

(2024) 12 SHI CK 0033

In the High Court Of Himachal Pradesh

Case No : CWP Nos. 3013 Of 2021, 3947 Of 2022

Pawan Singh And Another

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 30-12-2024

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : (2024) 12 SHI CK 0033

Hon'ble Judges : Tarlok Singh Chauhan, J; Satyen Vaidya, J

Bench : Division Bench

Advocate : Jagat Paul, Sanjeev Bhushan, Rajesh Kumar, Anup Rattan, Rakesh Dhaulta, Pranay Pratap Singh, Priyanka Chauhan, V.B. Verma, Manish Kumar, Mohit Dogra, Balram Sharma, Rajeev Sharma

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. Both these petitions have been filed objecting the installation of Sewerage Treatment Plant (STP) in Nagar Panchayat, Talai, District Bilaspur, H.P.

2. When the case came up for consideration before this Court on 12.07.2022, the Court after taking into consideration, all the factual matrix of the case, appointed National Environment Engineering Research Institute (for short 'NEERI'). It shall be apt to reproduce the order, which reads as under:-

The above petitions have been filed objecting to the setting up of the proposed Sewerage Treatment Plant (STP) at Village Jhabola, Tehsil Jhandutta in District Bilaspur, on land measuring 0.5712 Hectare comprising of Khasra Nos. 966, 969, 970, 1064, 1065, 1066, 1067 and 1068 in Mouja Talai.

2. It is the case of the petitioners that the proposed STP is to be constructed at a site in close proximity to the source of drinking water i.e. percolation well of the Lift Water Supply Scheme (LWSS) of Village Jhabola, which has about 5,000

residents, whose lives and health would be at stake because of the danger of the drinking water getting contaminated. It is also contended that the proposed STP is adjoining their agricultural lands and in Village Jhabola. It is pointed out that Gram Panchayat, Jhabola has also opposed the construction of the STP at the proposed site.

3. The learned Senior Counsel for the petitioners, who are residents of Village Jhabola (in CWP No. 3947 of 2022), submitted that sometime in January/February, 2016, Shimla had witnessed a major health disaster due to outbreak of jaundice and there were about 1,000 cases of jaundice reported and several people had died on account of seepage of untreated sewage from STP at Malyana which contaminated the drinking water supplied to residents at Shimla.

4. The learned Advocate General, on the other hand, submitted that the proposed STP is to be constructed on Government land and the land, in fact, belongs to respondent No. 5-Nagar Panchayat Talai, Tehsil Jhandutta, District Bilaspur. It is submitted that the proposed STP is to be constructed with modern techniques and the sewage water after its treatment would be released 700 meters downstream below the proposed site of STP, which is about 400 meters below the water source i.e. percolation well of the Lift Water Supply Scheme (LWSS) Jhabola and there is no other water source of drinking water below that point. It is further submitted that the water source (i.e. percolation well) is located approximately 302.1 meters downstream from the proposed site of the STP and the outlet of the treated sewage water is further 397.9 meters downstream which will be released into the 'khad' and there would be no risk of contamination of the water source.

5. The learned Advocate General submitted that the necessary approval has been obtained from the Ministry of Environment and Forests (MoEF), Government of India. He submitted that 90% of the sewerage pipe network has been laid and an amount of ₹ 3.66 crore has been expended and the approach road to the proposed STP has been developed, for which an amount of ₹ 10lac has been spent. It is pointed out that the STP is being constructed pursuant to the order dated 28th August, 2020 passed by this Court in CWP No. 358 of 2018 and the construction of the STP has been directed to be completed within a period of one year from the date of the said order. It is, therefore, contended that the construction of the proposed STP, which is in public interest, is required to be completed expeditiously.

6. On 7th September, 2021, this Court passed an order in the present CWP No. 3013 of 2021, directing the respondent-State Pollution Control Board to make physical inspection of the site in question and submit its status report. Pursuant to the said order, the respondent-State Pollution Control Board has submitted its report dated 16th September, 2021. In the said report, in paragraphs 3 to 7, it is stated as follows:

"3. The construction work of STP has not commenced at site till date.

4. During the inspection of the area, it was observed that the Water Mill (as cited in the petition) is working on water and the water for the mill is being derived from Dugh Khad (rivulet/stream) which is a tributary of Saryali Khad, through a dedicated Kuhal (small canal).

5. The exiting water mill (Gharat) is adjoining/adjacent to the boundary of the proposed site of STP i.e. – approx 3-5 meters only as per the site of STP shown by the representative of Jal Shakti Vibhag. It is pertinent to mention here that the treatment tanks of the STP when constructed would be about 10-20 meters away from the water mill.

6. Jal Shakti Vibhag is lifting the water from the intake point i.e. percolation well which is located approximately 275 meters downstream from the proposed site of STP as seen in the google earth photograph attached as Pic No. 02. The water from the percolation well is lifted and stored in the water storage tank of Jal Shakti Vibhag which is adjoining to the proposed STP site.

7. The water lifting scheme of Jal Shakti Vibhag is functional as reported by the Executive Engineer JSV Jhandutta Division.”

(emphasis supplied)

7. The learned Senior Counsel for the petitioner in CWP No. 3947 of 2022, in the course of his arguments, has placed on record a copy of the minutes of meeting held on 11th March, 2016 of all the Chief Engineers of I&PH Department on the status of the STPs in the State pursuant to the outbreak of jaundice in Shimla on account of the drinking water being mixed with the sewage due to malfunction of the STP at Malyana. In the said minutes of meeting, it is recorded that there are 49 STPs in the State and as per zone-wise distribution, number of STPs in Shimla Zone is 19, in Mandi 11, in Dharamshala 10 and in Hamirpur 9. It is further stated in the said report that out of 49 STPs in the State, 4 are in red category located within a distance of 1 km, 9 in orange category located within a distance of 1-5 kms, 8 in yellow category located within a distance of 5-10 kms, 13 in blue category located within a distance of 10 kms, from the source of Water Supply Schemes, and 15 are in green category in which no Water Supply Scheme is nearby. The said minutes of meeting further records - “the four STPs identified in category-1 located at Rohru, Ghumarwin, Una and Sundernagar were marked as most critical and are to be considered sensitive keeping in view their very close proximity with the source of existing water supply schemes and need to be monitored/managed with utmost vigil.”

8. It is thus seen that the State STPs have been divided into five categories i.e. red, orange, yellow, blue and green, in accordance with their distance from water sources of the nearest Water Supply Schemes. In the present case, from the report of the respondent-State Pollution Control Board pursuant to the order passed by this Court, it is seen that the percolation well is located approximately 275 meters downstream from the proposed site of STP and the water from the percolation well is lifted and stored in water tank of Jal Shakti Vibhag, which is

adjoining the proposed STP site.

9. It can hardly be disputed that majority of illnesses in the country are water-borne and sanitation related diseases. Improper sanitation and sewage disposal causes pollution of water and contamination of drinking water supply resulting in spread of diseases like jaundice, cholera, typhoid, etc. In *Subhash Kumar versus State of Bihar*, (1991) 1 Supreme Court Cases 598, the Supreme Court has held that pollution free water is a fundamental right. Right to life under Article 21 of the Constitution of India, therefore, includes the right of enjoyment of pollution free water.

10. In our view, the issue raised in these petitions concerns the health and safety of the villagers of Village Jhabola, which are about 5,000 in number and the petitions cannot be treated as adversarial. The learned Senior Counsel for the petitioner in CWP No. 3947 of 2022 fairly stated that the petitioners are not opposing the construction of the STP and their grievance is in respect of location of the proposed STP.

11. Having heard the learned Senior Counsel for the petitioner in CWP No. 3947 of 2022, the learned counsel for the petitioners in CWP No. 3013 of 2021, the learned Advocate General and the learned counsel for respondent-Pollution Control Board, we fail to understand why the disputed site is chosen for the location of the proposed STP which falls in close proximity to the water source of the village i.e. percolation well of the Lift Water Supply Scheme (LWSS) Jhabola when there are other lands belonging to the State Government at some distance away, as pointed out by the learned Senior Counsel for the petitioners. Admittedly, the site proposed for the construction of the STP is located in the red category i.e. within a distance of 1 km from the source of the Water Supply Schemes. In the minutes of the meeting dated 11th March, 2016, referred to above, four STPs which were in red category i.e. within a distance of 1 km from the source of Water Supply Schemes, were marked as most critical and were considered to be sensitive in view of their close proximity with the source of existing water supply schemes.

12. Though the dispute raised in the petitions is essentially about the location of the site of the proposed STP, except to say that the site in question was suitable, nothing is placed on record to show as to what survey or exercise has been carried before finalizing the site of the proposed STP. Though it is pointed out that major portion of the sewerage lines have been laid, the construction of the STP at the proposed site is yet to begin.

13. In the facts and circumstances of the case, in our view, since the proposed STP is admittedly within the red zone which is considered as critical and sensitive, and the issue raised in the petitions involves the health and safety of the villagers of Village Jhabola, we would like an independent report from an expert in order to be satisfied that the proposed STP would not be a cause of risk to the safety and health of the villagers of village Jhabola. Hence, we pass the

following order:

ORDER

(i) We appoint National Environmental Engineering Research Institute (NEERI) to report on the safety of the proposed STP which falls in the red zone i.e. within 1 km of the water source i.e. percolation well of the Lift Water Supply Scheme (LWSS) Jhabola. Dr. Atul Vaidya, Director, NEERI, Nagpur, shall nominate two experts from NEERI, Delhi within three days from the receipt of copy of this order, who would form a Committee, and who would visit the site and make a report.

(ii) The report shall, in the first instance, state whether it would be safe to set up the STP at the proposed site and would not pose a threat to the health and safety of the villagers of Village Jhabola.

(iii) In the event the Committee comes to the conclusion that the STP can be set up at the proposed site, the safeguards which need to be taken so as to avoid any leakage from the proposed STP, which would contaminate the water source i.e. percolation well of the Lift Water Supply Scheme (LWSS) Jhabola. The Committee shall also examine whether the proposed STP meets the prescribed standards and make recommendations to curb the possibility of contamination of drinking water with likely discharge of sewage.

(iv) The Secretary (I&PH) shall forward the detailed designs and plans and all other relevant documents of the construction of the proposed STP to NEERI, Delhi, within a period of ten days from today.

(v) The District Collector, Bilaspur, shall be the Nodal Officer to provide all necessary logistics and who shall coordinate with the Committee for the inspection of the site and adjoining lands.

(vi) The Committee shall submit its report to this Court within a period of six weeks from today.

(vii) The fee of NEERI, shall be borne by the State Government.

(viii) A copy of this order shall be forwarded by the Registrar (Judicial) of this Court to Dr. Atul Vaidya, Director, NEERI, Nagpur."

3. Subsequently, when the matter came up for consideration before this Court on 06.12.2022, the Court passed the following order:-

"These petitions relate to setting up of the proposed Sewerage Treatment Plant (STP) at Village Jhabola, Tehsil Jhandutta in District Bilaspur, which is being opposed by the petitioners on the ground that the proposed STP is being constructed at a site in close proximity to the source of drinking water, i.e., percolation well of the Lift Water Supply Scheme (LWSS) of Village Jhabola.

2. When this case was listed before this Bench on 12 th July, 2022, this Court called upon the National Environmental Engineering Research Institute (NEERI)

to report on the proposed STP, which was falling in the red zone, in terms of the Minutes of the Meeting dated 11th March, 2016 of the Chief Engineers of IPH Department on the status of Sewerage Treatment Plants (STPs) in the State of Himachal Pradesh, which meeting was held as a result of jaundice in Shimla, on account of the drinking water being mixed with sewage due to malfunctioning of STP at Malyana. This Court observed in its order that as the proposed STP was falling in the red zone, i.e., within 1 km. of the water source, i.e., percolation well of the Lift Water Supply Scheme (LWSS) Jhabola, therefore, Director, NEERI, Nagpur shall nominate two experts from NEERI, Delhi within three days from the receipt of the copy of the order, who would form a Committee, which shall visit the site and furnish the report whether it would be safe to set up the STP at the proposed site or not. The Committee was called upon to submit its report within a period of six weeks from the date of passing of the order. The case was ordered to be listed on 14th September, 2022.

3. On the said date, i.e., 14th September, 2022, a copy of the Site Visit Report of NEERI pertaining to the month of August, 2022 was tendered across the Bar and it was mentioned in Para-4.0 thereof that some more study was required to be carried out. The matter was therefore deferred by the Court by six weeks and listed on 9th November, 2022.

4. On the said date, as report was not submitted by NEERI, in terms of the orders passed by this Court, NEERI was impleaded as respondent No. 8 and learned Deputy Solicitor General of India, who appeared on behalf of NEERI was granted time, on his request, to have necessary instructions from NEERI. The case was accordingly listed for today.

5. Today, a status report has been handed over to us across the Bar by learned Deputy Solicitor General of India and in terms of the same, NEERI has sought three months' time to submit its final report by 22nd February, 2023. It is mentioned in the status report that consequent upon the directions issued by this Court, NEERI constituted Two Members Committee, which contacted Executive Engineer (EE) of Irrigation and Public Health Department of Jhandutta Division and the Committee thereafter visited the site on 5th August, 2022. Thereafter, Site Visit Report and proposal was submitted by NEERI to Jal Shakti Vibhag, Jhandutta Division and the work order was received by NEERI from Jal Shakti Vibhag, Jhandutta Division on 21st September, 2022. Correction in the work order were sought by NEERI telephonically as well as through Whatsapp messages and in terms of the status report, NEERI had not yet received the revised work order from Jal Shakti Vibhag, Jhandutta Division. It is further mentioned in the status report that Jal Shakti Vibhag has released the requisite funds on 21st October, 2022, as was informed to NEERI on 7th November, 2022 and on 11th November, 2022, NEERI had received a call from the Executive Engineer, informing NEERI that as he was busy with the election duty, therefore, the details of the money deposited and further project activities will be discussed on or after 14th November, 2022. On 15th November, 2022, NEERI made a call to the Executive

Engineer, informing him of the site visit of NEERI Team in the 4th week of November, 2022 and the status report thus concludes by submitting that final report will be submitted in three months.

6. Having heard learned counsel for the parties and having perused the status report, this Court expresses its anguish over the manner in which its orders have been complied with by NEERI as well as the respondent-State. As NEERI was called upon to submit its report with regard to the feasibility of setting up of proposed Sewerage Treatment Plant (STP) at Village Jhabola, Tehsil Jhandutta in District Bilaspur in a red zone and its impact on the health and safety of the villagers of Village Jhabola, this Court fails to understand that what kind of work order was required by NEERI to implement the directions passed by this Court. In fact, if NEERI was facing any difficulty with regard to the implementation of the orders passed by this Court, then it ought to have had approached this Court for clarifications, as order dated 12th July, 2022 passed by this Court was very clear and specific as to what NEERI was supposed to do.

7. Similarly, the mode and manner in which the Executive Engineer of Jal Shakti Vibhag, Jhandutta Division has acted also deserves to be deprecated. This officer has neither acted in terms of the letter of the order passed by this Court nor in the spirit of the order. Rather than appreciating that the Court had passed the order with regard to the feasibility of proposed Sewerage Treatment Plant (STP) at Village Jhabola, Tehsil Jhandutta in District Bilaspur at the site concerned in larger public interest and expeditious implementation of the Court order was in every one's interest, the matter was delayed on pretexts like election duty etc. The conduct of the Executive Engineer is not appreciated by this Court, more so, in view of the fact that the construction of the proposed Sewerage Treatment Plant (STP) has not been discontinued by the Contractor, who has been awarded the said work, as has been stated at the Bar by learned counsel representing the Contractor.

8. Similarly, District Collector, Bilaspur, who was made the Nodal Officer by this Court to provide all necessary logistics, with further direction to coordinate with the Committee for the inspection of the site and adjoining lands, has also been remiss in his duties, resulting in unnecessary delay in the implementation of the Court orders.

9. Be that as it may, the case is ordered to be listed on 2nd January, 2023, on or before which date, NEERI is directed to submit its final report in terms of the directions passed by this Court on 12th July, 2022. It is made clear that the construction of proposed Sewerage Treatment Plant (STP) being carried out by the Contractor shall be at his own risk and peril and further in case NEERI does not submit final report by the next date of hearing, then the Members of the Committee shall remain present in the Court in person to explain their conduct."

4. When the matter came up for consideration before this Court on 06.03.2023, the Court was informed that revised DPR was being prepared and the Court than

passed the following order:-

"Learned Advocate General informs the Court that as per the assessment report submitted by NEERI, now a revised DPR is being prepared and it will take at least two weeks to prepare the same. He submits that after preparation, the same will be sent to NEERI for its consideration.

It is ordered that as from the date, the revised DPR is received by NEERI from the State Authorities, appropriate action be taken thereupon by NEERI within a period of one week.

As prayed for, list on 20.04.2023. Fresh affidavits be filed both by State as well as NEERI as to whether the revised DPR takes care of the issues which stand raised by the petitioners in these proceedings."

5. On 20.04.2023, the Court stayed the construction of the STPL Plant forthwith, in view of the report of NEERI, which reads as under:-

"Learned Deputy Solicitor General of India has handed over a copy of the report prepared by NEERI, in terms of the directions passed by this Court vide order dated 06.03.2023. The report is dated 30th March, 2023 and conclusion part thereof is reproduced herein below:-

"Conclusion

"CSIR-NEERI's Final Report dated December 28, 2022, had explicitly delineated the suggestion, recommendations/ modifications to improve the proposed STP's performance for a better environment and to safeguard/protect the drinking water sources of Jhabola village. Two treatment options/schemes (SBR and Pretreatment + ASP) followed by a pressure sand filter and activated carbon filter were suggested for the bio-oxidation of organic matter to improve the performance of the sewage treatment plant. However, JSVJ has provided only the details of an activated carbon filter and micro disc filter followed by calculations for diffused aeration reactor in the revised DPR, which makes the total operation and maintenance of the STP more complex. This indicates that a technical and professional approach has not been considered while preparing the revised DPR. Hence, the additional units (except Activated Carbon Filter) proposed by JSVJ in the revised DPR is not feasible for full-scale implementation at the site. Hence it is recommended that, an updated treatment scheme incorporating all additional units suggested by CSIR-NEERI in the existing treatment scheme should be prepared and incorporated in the Revised DPR. It is further advised that all the recommendations/suggestions addressed in CSIR NEERI's Report must strictly be followed and incorporated in the revised DPR."

Learned Advocate General submits that as the report has been handed over to him today itself, therefore, the respondent-State may be granted some time to go through the same. As prayed for, the case is ordered to be listed on 12.05.2023. It is ordered that till further directions are passed by the Court, the construction work of the STPL Plant in question shall stand stayed forthwith in

view of the report of NEERI.”

6. It is on the representation of the learned Advocate General that on 12.05.2023, Court passed the following order:-

“Learned Advocate General has filed a status report, on the affidavit of Superintending Engineer, JSV Circle, Bilaspur, in the Court itself, which is ordered to be taken on record. On the basis of contents of status report, learned Advocate General has apprised the Court that the Executive Engineer Jal Shakti Division, Jhandutta, had written a letter to the Director PEC, Chandigarh, the Director IIT Rurkee, the Director NIT, Hamirpur, the Director IIT Mandi and the Additional Chief Engineer (Civil) WAPCOS Ltd. New Delhi, for redesigning of sewerage Treatment Plan, Preparation of DPR & Drawings. He further submits that the Additional Chief Engineer (Civil) WAPCOS Ltd. New Delhi, has consented to provide revised design and drawing consultancy work for construction of sewerage Treatment Plant and revised DPR with detailed design and drawings in consultation with JSV & CSIR-NEERI. He prays that as the process is likely to take some time, therefore the matter be deferred for three weeks, so that progress in this regard can be intimated to the Court.

List on 15.06.2023. On which date the Court be apprised of the progress made in the matter.”

7. On 15.06.2023, the Court was apprised of the compliance of order dated 12.05.2023, which led to passing of the following order:-

“Learned Advocate General has handed over a compliance report filed on the affidavit of Executive Engineer, Jal Shakti Bhawan, Jhandutta, District Bilaspur, H.P. which is ordered to be taken on record. He states that the Additional Chief Engineer (Civil) WAPCOS Ltd. New Delhi has submitted that status report with the concerned Executive Engineer through e-mail on 13.06.2023, in terms whereof, 20% work of RDPR has been completed and the entire work of the project would be completed in all respect by 23rd August, 2023. List on 4th August, 2023. Fresh status report be filed about the progress on the issue.”

8. Thereafter, fresh status reports came to be filed, which led to the passing of the following order on 24.07.2024:-

“Fresh status report filed by the Executive Engineer, Jal Shakti Division, Jhandutta has been placed on record, which states that final revised DPR would be completed by the end of July, 2024. For reporting the same, list on 14th August, 2024.”

9. In compliance to the aforesaid order, fresh status report was filed and it shall be apt to reproduce para 2 thereof, which reads as under:-

“2. That It is submitted that the revised DPR for the work of Providing Sewerage scheme to Shah Talai Town in Tehsil Jhandutta Distt. Bilaspur H.P. (Redesigning of Network, STP and Preparations of Revised DPR & Drawings) has been

submitted after incorporating observations/ Suggestions as outline in the Final Review Report dated April 30, 2024 and online meeting held on 09-07-2024 to the Director CSIR-National Environmental Engineering Research Institute, Nehru Marg Nagpur-440020 (Maharashtra) through the Chief Engineer (H/Z) Jal Shakti Vibhag Hamirpur-177001 vide his office letter No. JSV-CE-(H/Z) - WS- WA-III - Proposal/2024-25-7341-46 Appraisal and vetting for report. The copy of letter dated 08, August, 2024 is annexed as Annexure R-1 for kind of perusal of this Hon'ble High court."

10. Subsequently, when the matter came up for consideration on 14.08.2024, this Court took note of the compliance affidavit filed by the respondents and further directed the learned Deputy Solicitor General of India to get instructions from the Director, CSIR- NEERI, as would be evident from order dated 14.08.2024, which reads as under:-

"Fresh status report filed by the Executive Engineer, Jal Shakti Division, Jhandutta has been placed on record. It states that the approval of revised DPR for the work of providing sewerage scheme to Shah Talia Town in Tehsil Jhandutta, District Bilaspur, H.P. is awaited from the Director, CSIR-National Environmental Engineering Research Institute, Nehru Marg Nagpur.

Learned Deputy Solicitor General of India seeks time to get instructions from the Director, CSIR-National Environmental Engineering Research Institute, Nehru Marg Nagpur, by the next date of hearing."

11. When the matter came up for consideration before this Court on 30.09.2024, a copy of the report was placed on record by NEERI and the Court proceeded to pass the following order:-

"1. Mr. Balram Sharma, learned Deputy Solicitor General of India, has placed before us the 'Technical Appraisal of Final Revised Detailed Project Report on 1.65 MLD Main Pumping Station and 0.9 MLD Sewage Treatment Plant at Shah Talai Town, Himachal Pradesh'.

2. The aforementioned report is taken on record and will form part of the case file.

3. Copies of the report, which is dated 20.09.2024, have been furnished to the learned counsel for the petitioners.

4. Petitioners are at liberty to file response(s) or suggestions concerning the recommendations made in the aforesaid report.

5. List the matter on 21.11.2024.

CMP Nos. 846 & 847 of 2024 in CWP No. 3013 of 2021.

6. The aforementioned applications are allowed, subject to just exceptions."

12. The petitioners thereafter sought time to file objections to the report.

13. We have gone through the objections and find no merit in the same because all the objections as raised have already been considered by the NEERI, like the STP being constructed in a red zone area i.e., within a distance of one kilometer from the water source of Water Supply Scheme, there being no measures suggested by the NEERI with regard to the health and safety of the villagers when the proposed STP site is being constructed in the red zone.

14. We, therefore, have no hesitation to conclude that the objections have been filed only for the sake of objections as there is no material substance in such objections. Even otherwise, we have gone through the Technical Appraisal of Final Revised Detailed Project Report (RDPR) prepared by the NEERI and are of the considered view that this report takes care of not only the issues and concerns raised by the petitioners, but even far beyond that.

15. Once the experts on the subject have given their report, it is not for this Court to sit in appeal over the opinion unless there is some glaring defect in the opinion so rendered by the experts, which is not the fact situation obtaining in the instant case.

16. It needs to be noted that the Courts are extremely loath to interfere with the opinion of the experts even though, there is nothing like exclusion of judicial opinion of the decision taken on the basis of expert opinion, but this is not to suggest that the opinion of the expert cannot be interfered with. What needs to be emphasized is that the opinion of the experts deserves respect and not worshiped and the Courts and other judicial/quasi judicial Fora interested with the task of deciding the disputes can in an appropriate case examine even the opinion rendered by the experts.

17. Having said so, we are of the opinion that the instant petitions have achieved their purpose and are required to be closed. Ordered accordingly. Pending applications, if any, also stand disposed of.

18. However, before parting, it needs to be observed that the respondents shall carry out the work in question strictly in accordance with the revised DPR and in accordance with what has been held out to this Court in the various affidavits filed by them. It is also made clear that in case the respondents do not adhere to their undertakings, it shall always be open to the petitioners to again approach this Court for revival of these petitions and seek appropriate directions in this regard.