

ITEM NO.22

COURT NO.5

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 29512/2026

[Arising out of impugned final judgment and order dated 08-07-2026 in WC No. 4559/2025 passed by the High Court of Judicature at Allahabad]

NATIONAL HIGHWAY AUTHORITY OF INDIA & ANR.
 VERSUS

Petitioner(s)

TATA PROJECTS LIMITED & ANR.
 FOR ADMISSION

Respondent(s)

IA No. 251602/2026 - EXEMPTION FROM FILING O.T.

Date : 31-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
 HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. Tushar Mehta, Solicitor General
 Ms. Padmapriya, Adv.
 Mr. Rishabh Sancheti, Adv.
 Mr. Aman Mehta, Adv.
 Mr. Nishant Kumar, Adv.
 Ms. Poornima Gupta, Adv.
 Mr. Aquib Ali Khan, Adv.
 Mr. Dhaval Gaur, Adv.
 Ms. Devanshi Sancheti, Adv.
 Mr. K. Paari Vendhan, AOR

For Respondent(s) : Mr. Parag Tripathi, Sr. Adv.
 Mr. Shri Venkatesh, Adv.
 Ms. Kanika Chugh, Adv.
 Mr. Suhael Buttan, Adv.
 Mr. Shryeshth Ramesh Sharma, Adv.
 Mr. Vineet Kumar, Adv.
 Ms. Kaveri Rawal, Adv.
 Ms. Drishti Rathi, Adv.
 Mr. Varad Nath, Adv.
 Mr. Nitin Saluja, AOR

UPON hearing the counsel the Court made the following
 O R D E R

1. We heard Mr. Tushar Mehta, the learned Solicitor General appearing for the petitioner - NHAI and Mr. Parag Tripathi, the

learned senior counsel appearing for the respondents.

2. In the notice issued by the petitioner terminating the contract, the following has been stated :-

"B. Non-maintenance of Project Highway

a. That, during the construction period, the Contractor in terms of Clause 10.4 of the Contract Agreement is obligated to maintain, at its cost, the existing lane(s) of the Project Highway to ensure traffic worthiness and safety, and undertake necessary repair and maintenance works in conformity to good industry practice. However, despite numerous reminders having been issued by the Authority and the Authority Engineer, the Contractor has failed to maintain the Project Highway.

b. It is further apt to mention that the traffic riding quality of the Project has become extremely bad at existing highway, diversion location, despite being notified, and the Contractor has failed to adopt any remedial measures till date. Furthermore, the quality of work executed by the Contractor has been far from satisfactory and despite reminders, the Contractor has failed to rectify the defects notified under NCRs. It is pertinent to note that a total of 180 NCRs has

been raised out of which 73 NCRs have been left open till date. Keeping in mind, the past actions, and the present situation of the site conditions, it is quite evident that the Contractor neither has the will nor sufficient manpower, equipment, material & machinery to construct the Project Highway. In this regard, reliance is placed on the various letters cited in the Authority's Cure Period Notice dated 11.10.2024, Intention to Termination Notice dated 23.12.2024 (cited under ref. ix) and further communications made in this regard vide Authority's letter dated 27.12.2024 and 03.01.2025 (cited under ref. x and xii) and Authority's Engineer letters no. 1572 dated 08.01.2025, (cited under ref. xv above) giving sufficient information.

c. That, from the aforesaid submissions, it is clear that the Contractor has no intention to maintain the Project Highway in traffic worthy condition and thus, the Contractor has committed defaults in terms of Clause 23.1.1(g) of the Contract Agreement read with Clause 10.4 of Contract Agreement.

d. The details of pending rectification works

*as on date to be completed by the Contractor
are as under:*

*1. Major DBM settlement between Ch 19+500 to
20+750*

*ii. RE wall back fill scoured up to bottom
level between Ch.03+290 to 03+430 LHS, between
Ch. 01+400 to 01+460 & also between Ch. 03+438
to 03+900.*

*iii. NCR-73 Nos are pending for closure after
compliance. The details of the NCRs raised by
the Authority's Engineer and outstanding
defects are enclosed as Annexure-B."*

3. Issue notice, returnable on 17.09.2026.

4. Mr. Nitin Saluja, learned Advocate-on-Record, waives notice on behalf of the respondent(s).

5. The impugned Judgment of the High Court shall remain stayed from its operation until further orders.

6. In the peculiar facts of this case and keeping in mind the overall public interest and the nature of the project, it will be in fitness of things if the parties can once again sit together and try to work out the issues insofar as the aforesaid is concerned i.e. the reasons assigned in the Termination Notice.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER