

**COMPLAINT CLOSING REPORT  
OF THE CONCERNED ADB OPERATIONS DEPARTMENT**  
24 October 2023

PROJECT NAME	<a href="#">IND: Maharashtra State Road Improvement Project</a>
ADB DEPARTMENT/DIVISION	Sectors Group/Transport Sector Office
AM FUNCTION	Problem-Solving
ELIGIBILITY RESULT	Ineligible
NON-ELIGIBILITY DETERMINATION DATE	25 July 2022
<b>I. Complaint and issues</b>	On 1 December 2021 the Government of Maharashtra (GOM) received a complaint through online Right to Information application. The complaint is linked to EPC 8 in Amravati, India. In his complaint, the complainant raised issues related to land acquisition and compensation: (i) ownership of the disputed area of land and to be considered as project-affected people, (ii) compensation for his land due to the road construction, and (iii) inclusion of the village Rajurwadi in the project reports.
<b>II. Actions taken to address the problems or issues</b>	The project-level grievance redress committee (GRC) at district Amravati met on 18 May 2022. As the GRC could not resolve the complaint at that level, the complaint was elevated to the state-level GRC. Meeting was held on 30 June 2022. The SPF received a complaint on 21 June 2022. The complainant selected problem-solving process. On 25 July 2022, OSPF deemed the complaint ineligible for problem solving process. Subsequently and as part of the project team's problem-solving process, ADB had engaged the complainant in various occasions. Two virtual meetings with the complainant were held on 4 August and 13 October 2022. Also, on 30 November 2022, ADB team met with the complainant at the disputed area during a project review mission. Based on the discussion with the complainant and mission findings, land ownership dispute involves the GOM PWD, Forest Department, and the complainant. The complainant also informed ADB that he intends to take up a legal case to claim the disputed area. During the same mission, MPWD assured to ADB team that ADB financing will not be used to improve the section until the dispute is resolved.
<b>III. Decisions or agreements by parties concerned</b>	The complainant has filed a case in the High Court of Maharashtra in February 2023. The project team conducted a review mission on 6 October 2023 and discussed this matter with PWD. Since the dispute is <i>sub judice</i> at this stage and the courts have not stayed works, MPWD requested the Mission to permit the resumption of works and complete the road stretch. MPWD will send a letter to ADB on this matter for further action required, providing copies of the plaint, MPWD's response to the court, and the possible timeline for judgement. The Mission will discuss with management the most suitable way forward within 14 days upon receipt of the MPWD's written request.
<b>IV. Results and lessons learned</b>	<p>Since the complaint has filed a case in court and the matter is <i>sub judice</i>, it is recommended to close this complaint.</p> <p>The complaint illustrates the key role of project-level grievance redress mechanism (GRM) in the systematic management of social risks. In this regard, it was helpful that the ADB had provided hand-holding support to the MPWD PMU on social safeguard implementation during project preparation and implementation to emphasize the role and functioning of a GRM. Such capacity building must remain an important project feature in general regardless of the significance of social risks</p>

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	and impacts. However, this case clearly shows that where a dispute is about establishing the rightful landowner, the only venue to remedy the dispute is through the courts as it is a legal matter.
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