

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.N. RAVINDRAN  
&  
THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

DBP.No. 3 of 2015 ()  
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PETITIONER:  
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TRAVANCORE DEVASWOM BOARD,  
REPRESENTED BY ITS EXECUTIVE ENGINEER,  
NANTHENCOD, TRIVANDRUM-3.

BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOARD  
ADV. SRI.KRISHNA MENON, SC, TRAVANCORE DEVASWOM BOARD  
SRI KRISHNAKUMAR MANGOT (AMICUS CURIAE)

RESPONDENT:  
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THE DEPUTY DIRECTOR, LOCAL FUND AUDIT,  
THIRUVANANTHAPURAM.

BY SR. GOVERNMENT PLEADER SRI A.RENJITH  
ADV. SRI.B.MOHANLAL (FOR TEMPLE ADVISORY COMMITTEE)

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON  
11-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.**

**D.B.P.No.3 OF 2015**

**DATED THIS THE 11<sup>th</sup> DAY OF FEBRUARY, 2015**

**JUDGMENT**

**ANIL K.NARENDRA, J.**

The Travancore Devaswom Board has filed Petition No.80 of 2014 before the Honourable Ombudsman seeking permission to approve contract sanction for the work of Agasthyacode Devaswom in Punalur Group, regarding construction of Valiyambalam with Balikkalpura sanctioned for ₹31,25,000/-, in favour of Sri S.Bindhulal, the nominee of the Temple Advisory Committee, at 10% below the sanctioned estimate rate. On the said petition, the Honourable Ombudsman has filed T.D.B.Report No.3 of 2015.

2. We heard arguments of the learned standing counsel for the Board, the learned Senior Government Pleader representing the Local Fund Audit and also Sri B.Mohanlal, the learned counsel for the Temple Advisory Committee. We have also perused the petition filed by the Board and also the report filed by the Honourable Ombudsman.

3. Going by the report submitted by the Honourable Ombudsman the work in question is for construction of Valiyambalam with Balikkalpura at Agasthyacode Devaswom in Punalur Group.

Originally, an estimate was taken for ₹25,85,000/- based on the revised 2010 schedule of rates and the Temple Advisory Committee had remitted an amount of ₹6,46,250/- as their contribution. Subsequently, the estimate was revised based on 2012 schedule of rates and at present, the estimate is for an amount of ₹31,25,000/-. The Temple Advisory Committee has agreed to execute the work at 10% below the sanctioned estimate rate.

4. The Honourable Ombudsman has also referred to the reply filed by the Executive Engineer of the Board, pointing out that, the Thanthri of the Temple has suggested construction of Valiyambalam and Balikkalpura for improving the 'chaithanyam' of the temple and for increasing the facilities for the devotees. The report filed by the Honourable Ombudsman would further show that, going by the income and expenditure statement filed by the Devaswom Officer, the temple has an annual income of ₹33,04,007/- for the year 2013-14 as against the expense of ₹14,71,008/-. In such circumstances, the Honourable Ombudsman has suggested that the permission sought for by the Board may be granted.

5. Going by the remarks filed by the Local Fund Audit before the Honourable Ombudsman, dated 27.11.2014, a copy of which is made available for the perusal to this Court, it is seen that the Temple

Advisory Committee had remitted an amount of ₹6,46,250/- as 25% contribution to the original estimate of ₹25,85,000/-. Since the estimate is now revised to ₹31,25,000/-, without any contribution of the Temple Advisory Committee, the Local Fund Audit suggested that the Travancore Devaswom Board may be directed to take ₹6,46,250/- as the contribution by the Temple Advisory Committee, besides 10% below the sanctioned estimate rate.

6. In such circumstances, based on the recommendation made by the Honourable Ombudsman, the Travancore Devaswom Board is permitted to execute the work in question by awarding the contract to the nominee of the Temple Advisory Committee at 10% below the estimate rate. As suggested by the Local Fund Audit, the Board shall treat ₹6,46,250/- remitted by the Temple Advisory Committee as the contribution of the said Committee for the work in question.

7. The work shall be executed under the supervision of the Maramath Wing and the Board shall submit periodical reports regarding the execution of the work before the Honourable Ombudsman once in every two months. It will be open to the Honourable Ombudsman, if found necessary, to conduct inspection of the work undertaken by the Temple Advisory Committee. Expenditure

incurred for the work will be subject to audit, after the work is over.

D.B.P.No.3 of 2015 is allowed.

Sd/-  
**P.N.RAVINDRAN,**  
**JUDGE**

Sd/-  
**ANIL K.NARENDRA,**  
**JUDGE**

dsn