

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

DBP.No. 9 of 2015 ()

PETITIONER:

THE SECRETARY COCHIN DEVASWOM BOARD,
THRISSUR

BY ADV. SRI. KRISHNA MENON, SC, COCHIN DEVASWOM BOARD
SRI KRISHNAKUMAR MANGOT (AMICUS CURIAE)

RESPONDENT:

DEPUTY DIRECTOR OF LOCAL FUND ACCOUNT (CD) AUDIT,
THRISSUR

BY SR. GOVERNMENT PLEADER SRI A. RENJITH

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

P.N.RAVINDRAN & ANIL K.NARENDRAN, JJ.

D.B.P.No.9 OF 2015

DATED THIS THE 2nd DAY OF FEBRUARY, 2015

ORDER

ANIL K.NARENDRAN , J.

The Cochin Devaswom Board has filed Petition No.101 of 2014 seeking grant of permission to confirm the tender submitted by Sri P.G.Yatheesan, quoted at 29.5% above the estimate rate for the repair works to Valiyambalam, Chuttambalam and Balikkalpura of Cherussery Sreekrishnapuram Temple, Vallachira Devaswom with an estimate of ₹22 lakhs. A report was called for from the Honourable Ombudsman, who has submitted C.D.B.Report No.9 of 2015.

2. We heard the arguments of the learned standing counsel for the Board and also the learned Senior Government Pleader representing the Local Fund Audit. We have 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 the repair works to Valiyambalam, Chuttambalam and Balikkalpura of Cherussery Sreekrishnapuram Temple with an estimate of ₹22 lakhs. The Devaswom Board has decided to award the work to the contractor at 29.5% above the estimate rate. Though the

work is described as repair works, from the estimate produced along with the petition as Annexure A3 and also from Annexure A6 proceedings of the Board, the Honourable Ombudsman concluded that it is reconstruction, which is intended. The Honourable Ombudsman has also noticed that in the year 2011, a petition was filed before this Court for the very same purpose, which was allowed by this Court. But no tender was submitted after publication of tender notice and subsequently the estimate was revised. After publication of the present tender notification, two tenders were received and the lowest tenderer who quoted 47.30% has agreed to reduce the excess of 29.5% during negotiation and it was in such circumstances, the Board has decided to award the work to P.G.Yatheesan, who is the lowest tenderer at 29.5% above the estimate rate.

4. The report filed by the Honourable Ombudsman shows that the Local Fund Audit has filed its remarks stating that the work may be allowed and it should be done under the supervision of the Maramath Wing and that detailed verification of the work will be done during the expenditure audit. Therefore, the Honourable Ombudsman has suggested that the permission sought for in the petition may be granted.

5. In such circumstances, based on the recommendation made

by the Honourable Ombudsman, the Cochin Devaswom Board is permitted to execute the work in question by awarding the contract to Sri P.G.Yatheesan at 29.5% above the estimate rate.

6. The work shall be executed under the supervision of the Maramath Wing and the Board shall submit periodical reports 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 contractor. Expenditure incurred for the work will be subject to audit, after the work is over.

D.B.P.No.9 of 2015 is allowed.

SD/-
P.N.RAVINDRAN,
JUDGE

SD/-
ANIL K.NARENDRA,
JUDGE

dsn