

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. 10 of 2015 ()

PETITIONER:

THE SECRETARY, COCHIN DEVASWOM BOARD,
THRISSUR.

BY ADV. SRI. V.R. KRISHNA MENON
SRI KRISHNAKUMAR MANGOT (AMICUS CURIAE)

RESPONDENT:

DEPUTY DIRECTOR,
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.10 OF 2015

DATED THIS THE 2nd DAY OF FEBRUARY, 2015

ORDER

ANIL K.NARENDRAN , J.

The Cochin Devaswom Board has filed Petition No.98 of 2014 seeking grant of permission to confirm the tender submitted by Sri K.K.Asokan, quoted at 35.6% above the estimate rate for the repair works to Oottupura of Kiraloor Siva Temple with an estimate of ₹11,00,000/-. A report was called for from the Honourable Ombudsman, who has submitted C.D.B.Report No.10 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 estimation of the work is ₹11,00,000/- and the Board has decided to award the work to the Contractor at 35.6% above the estimate rate. Earlier, the Temple Advisory Committee had agreed to execute the work at 100% contribution. Subsequently, they withdrew from the offer. By Annexure A2 order, this Court has directed the Board to speed up the

steps for tendering and for completion of the work within a period of 10 months and it was thereafter the work was tendered.

4. The report of the Honourable Ombudsman would show that the Local Fund Audit has filed its remarks stating that there is no local market rate justification for awarding the work in excess of 10% of the estimate rate. But, in the report submitted by the Executive Engineer, it has been stated found that there is 59% to 100% increase in the market rate compared to the schedule of rates in labour charges. Therefore, the Honourable Ombudsman concluded that there is sufficient justification for increase in the schedule of rates and the Honourable Ombudsman has suggested that permission may be granted to award the work in favour of Sri K.K.Asokan, who has quoted at 35.6% above the estimate rate in terms of Annexure A4 Board order.

4. In such circumstances, based on the recommendation made by the Honourable Ombudsman, the Board is permitted to execute the work in question by awarding the contract to Sri K.K.Asokan at 35.6% above the estimate rate.

5. 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.10 of 2015 is allowed.

SD/-
P.N.RAVINDRAN,
JUDGE

SD/-
ANIL K.NARENDRA,
JUDGE

dsn