

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. 11 of 2015 ()

PETITIONER:

THE SECRETARY, COCHIN DEVASWOM BOARD,
THRISSUR.

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

RESPONDENT(S):

DEPUTY DIRECTOR, LOCAL FUND ACCOUNT
(C.D.) 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.NARENDRA, JJ.

D.B.P.No.11 OF 2015

DATED THIS THE 2nd DAY OF FEBRUARY, 2015

ORDER

ANIL K.NARENDRA, J.

The Cochin Devaswom Board has filed Petition No.99 of 2014 seeking grant of permission to confirm the tender submitted by Sri K.K.Asokan, quoted at 54.9% above the estimate rate for the repair works to Sreekovil, Mandapam, Thidappally and Chuttambalam of Avilissery Temple, with an estimate of ₹6,25,000/-. A report was called for from the Honourable Ombudsman, who has submitted C.D.B.Report No.11 of 2015.

2. We heard 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, though the estimate is only of ₹6,25,000/- and majority of works relate to repair of Sreekovil, Mandapam, Thidappally and Chuttambalam, Petition No.99 of 2014 is filed only because the excess quoted is 54.9% above the estimate rate and the work of the

Chuttambalam is also intended. The report filed by the Ombudsman would show that the Sreekovil and Gopuram of the temple are in a dilapidated condition. Though in the affidavit, the word Gopuram is mentioned, the Honourable Ombudsman noticed from the estimate that the work relates to Sreekovil, Mandapam, Thidappally and Chuttambalam. Paper publication was effected calling for tenders and the tenders were received. The lowest tender was for 54.9% above the estimate rate, which was accepted by the Board by Annexure A4 proceedings.

4. In the remarks submitted by the Local Fund Audit, it was stated that no local market rate justification was produced. But, as seen from the report of the Honourable Ombudsman, the same was subsequently produced. From the report submitted by the Executive Engineer, which is marked as Annexure A to the report filed by the Honourable Ombudsman, it was found that there is 59% to 100% increase in the market rate compared to the schedule of rates in labour charges and therefore, the Honourable Ombudsman concluded that there is sufficient justification for increase in the schedule of rates. Therefore, the Honourable Ombudsman has suggested that permission may be granted to award the work in favour of Sri K.K.Asokan, who quoted at 54.9% above the estimate rate.

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 K.K.Asokan at 54.9% 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.11 of 2015 is allowed.

SD/-
P.N.RAVINDRAN,
JUDGE

SD/-
ANIL K.NARENDRA,
JUDGE

dsn