

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 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

DBP.No. 17 of 2015 ()

PETITIONER:

THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS EXECUTIVE ENGINEER,
THIRUNAKKARA, KOTTAYAM

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

RESPONDENT:

THE DEPUTY DIRECTOR, LOCAL FUND AUDIT
THIRUVANANTHAPURAM.

BY SR. GOVERNMENT PLEADER SRI A.RENJITH

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON
16-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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

D.B.P.No.17 OF 2015

DATED THIS THE 16th DAY OF FEBRUARY, 2015

ORDER

ANIL K.NARENDRA , J.

The Travancore Devaswom Board has filed Petition No.92 of 2014 before the Honourable Ombudsman seeking permission to accord sanction for the work of construction of Valiyambalam, Belikkalpura and Thidappally attached to Madhuvimel Siva Temple in Parur Group sanctioned for ₹18,59,000/- based on the 2012 schedule of rates in favour of Sri M.S.Radhakrishnan at 28% above the sanctioned estimate rate. On the said petition, the Honourable Ombudsman has filed T.D.B.Report No.17 of 2015.

2. We heard arguments of the learned standing counsel for the Board and learned Senior Government Pleader representing the Local Fund Audit. 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 construction of Valiyambalam, Belikkalpura and Thidappally attached to Madhuvimel Siva Temple in Parur Group. The estimate prepared is for ₹18,59,000/- based on 2012

schedule of rates. After inviting competitive tenders, the Devaswom Board has decided to award the work to the lowest quoter at 28% excess of the estimate rate, though he had quoted 57% excess.

4. The report of the Honourable Ombudsman would further show that the Local Fund Audit has filed its remarks stating that no attempt was made to execute the work with the help of the Temple Advisory Committee and contribution of the Temple Advisory Committee is also not mentioned in the petition. But from the report of the Honourable Ombudsman it is seen that on behalf of the Temple Advisory Committee it was submitted that they cannot afford to execute the work and that their financial condition is not sufficient to make any contribution for the work. The Honourable Ombudsman has also noticed that the income and expenditure statement of the temple filed along with the petition shows that as against the income of ₹2,86,666/- in 2013-14, the expense is ₹5,52,315/-. The Honourable Ombudsman has also noticed that the earlier estimate for ₹26,35,000/- based on 2008 schedule of rates was reduced to ₹18,59,000/- as the Board did not grant administrative sanction for the higher amount. Therefore, the Honourable Ombudsman has suggested that appropriate orders may be passed by this Court on the petition filed by the Board.

4. In the above circumstances, based on the report made by the Honourable Ombudsman, the Travancore Devaswom Board is permitted to execute the work in question by awarding the contract to Sri M.S.Radhakrishnan at 28% above the sanctioned estimate rate.

5. 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 an 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.17 of 2015 is allowed.

Sd/-
P.N.RAVINDRAN, JUDGE

Sd/-
ANIL K.NARENDRA, JUDGE

dsn