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. 20 of 2015 ()

PETITIONER:

THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS EXECUTIVE ENGINEER,
SDP, PAMPA.

BY ADV. SRI.KRISHNA MENON, SC, TRAVANCORE DEVASWOM BOARD
ADV.SRI KRISHNA KUMAR 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.NARENDRAN, JJ.

D.B.P.No.20 OF 2015

DATED THIS THE 16th DAY OF FEBRUARY, 2015

ORDER

ANIL K.NARENDRAN , J.

The Travancore Devaswom Board has filed Petition No.106 of 2014, seeking approval and sanction for the work of constructing a dormitory over Donor House No.V (Sivasakthi) in Sabarimala at 5% below the sanctioned estimate cost of ₹41,50,000/- through one Sri C.Suresh Kumar. On the said petition, the Honourable Ombudsman has filed T.D.B.Report No.20 of 2015.

2. We heard arguments of the learned standing counsel for the Board and the 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 Board has decided to construct dormitories over the existing donor house, since the existing facilities for providing accommodation to the daily wage staff deputed for various works during the festival season at Sabarimala are insufficient. The sanctioned estimate is ₹41,50,000/-. The work was tendered and the lowest rate quoted by one Sri C.Suresh Kumar was at 5% below the sanctioned

estimate rate and the Board as per Annexure D proceedings dated 30.9.2014 has decided to award the work to him. The report of the Honourable Ombudsman would show that the Local Fund Audit had filed remarks stating that the site plan and lay out drawing are not attached with the petition. The Local Fund Audit had also pointed out that the petition does not contain the details regarding the number of persons to be accommodated after the construction, the opinion of the High Power Committee for implementation of the Sabarimala Master Plan, etc. Thereafter, an additional statement was filed by the Executive Engineer producing the site plan, lay out drawing and fitness certificate for the building. The Executive Engineer has also stated that there were only two participants in the tender call and the lowest tender was 10.7% excess over the sanctioned estimate, which was brought down to 5% below the sanctioned estimate after negotiation. The new construction can accommodate 80-100 Nos. daily wage staff and the dormitory can be rented out to Ayyappa devotees during the monthly pooja periods and on other temple opening days. Further, the High Power Committee for implementation of the Sabarimala Master Plan has approved the proposal on 17.5.2014 and the minutes of the same were also attached along with the said additional statement filed by the Executive Engineer.

4. As can be seen from the report filed by the Honourable Ombudsman, after seeing the additional statement, the Local Fund Audit has not raised any further objection. In such circumstances, the Honourable Ombudsman has suggested that appropriate orders may be passed on the permission sought by the Board.

5. In the above circumstances, based on the report filed by the Honourable Ombudsman, the Travancore Devaswom Board is permitted to execute the work in question by awarding the contract to Sri C.Suresh Kumar at 5% below the sanctioned estimate rate.

6. 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.20 of 2015 is allowed.

Sd/-
P.N.RAVINDRAN, JUDGE

Sd/-
ANIL K.NARENDRAN, JUDGE

dsn