

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 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

DBP.No. 30 of 2015 ()

PETITIONER:

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

BY ADV. SRI.V.KRISHNA MENON, SC, TRAVANCORE DEVASWOM BOARD

RESPONDENT:

THE DEPUTY DIRECTOR, LOCAL FUND AUDIT,
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SRI A.RENJITH
ADV.SRI P.RAMACHANDRAN (AMICUS CURIAE)

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON
09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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

D.B.P.No.30 OF 2015

DATED THIS THE 9TH DAY OF MARCH, 2015

ORDER

ANIL K.NARENDRA, J.

The Travancore Devaswom Board has filed Petition No.2 of 2015 seeking approval and sanction for the work of improvements to Sabari Guest House at Sabarimala sanctioned for ₹14,80,000/- at 14% above the sanctioned estimate rate and award of contract in favour of Sri V.Dileepkumar. On the said petition, the Honourable Ombudsman has filed TDB Report No.48 of 2015.

2. We heard the arguments of the learned Standing Counsel for the Board, the learned Senior Government Pleader representing the Local Fund Audit and also the learned Amicus Curiae for the Honourable Ombudsman. We have also perused the petition filed by the Board and also the report filed by the Honourable Ombudsman.

3. Going by the report filed by the Honourable

Ombudsman, the work in question is for improvement to Sabari Guest House at Sabarimala. This Court in DBP No.136/2012 had directed the Board to take steps to maintain the guest house so as to make the rooms hygienic. On the basis of the report of the Special Commissioner, an estimate for ₹14,80,000 was prepared based on 2012 Schedule of Rates. There was only one tender which was for 25% over the estimate rate. After negotiations, it was reduced to 14% and the Board has granted contract sanction by Annexure D letter dated 24.12.2014.

4. The report filed by the Honourable Ombudsman would show that the Local Fund Audit has filed its remarks, stating that since there was only single tender, steps should have been taken for re-tendering. It is also stated that the necessity of the work of improvement to the front yard shown in Appendix II of the estimate is not explained in the petition. Going by the report submitted by the Honourable Ombudsman, the Executive Engineer has submitted an explanation stating that, the tender was

published in three Malayalam dailies in different editions and through departmental website. Though wide publicity was given, there was only one tender. The Executive Engineer has also stated that from previous experience, the better option was to negotiate with the contractor than conducting re-tender and therefore negotiations were made at various levels and finally, the contractor has agreed to carry out the work at 15% excess. The Executive Engineer has also stated that the front yard of the guest house is in a completely dilapidated condition and during rainy season it becomes completely slushy. In such circumstances, the Honourable Ombudsman has suggested that appropriate orders may be passed by this Court on the permission sought for in this petition.

5. In such circumstances, based on the report of the Honourable Ombudsman, the Travancore Devaswom Board is permitted to execute the work in question by awarding the contract to Sri V.Dileepkumar at 14% above 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 inspection of the work undertaken by the Board. Expenditure incurred for the work will be subject to audit, after the work is over.

DBP.No.30 of 2015 is allowed.

Sd/-

P.N.RAVINDRAN, JUDGE

Sd/-

ANIL K.NARENDRAN, JUDGE

dsn