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. 31 of 2015 ()

PETITIONER:

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

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

RESPONDENT(S):

THE DEPUTY DIRECTOR, LOCAL FUND AUDIT, THIRUVANANTHAPURAM

BY SR.GOVERNMENT PLEADER SRI A.RENJITH

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.NARENDRAN, JJ.

D.B.P.No.31 of 2015

DATED THIS THE 9th DAY OF MARCH, 2015

ORDER

ANIL K.NARENDRAN, J.

The Travancore Devaswom Board has filed Petition No.89 of 2014 seeking sanction for the work of reconstructing the Gopuram and Theyyattuthara of Koottummel Devasom in Vaikom Group at an estimated cost of ₹3,46,000/- prepared based on revised SOR 2010 and award of contract in favour of Sri K.N.Sasidharan at 36% above the sanctioned estimate rate. On the said petition, the Honourable Ombudsman has filed TDB report No.49 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 submitted by the Honourable Ombudsman, the work in question is to reconstruct the damaged Gopuram of Koottummel Devaswom and also for

constructing a Theyyattuthara. The report states that when competitive tenders were invited, there were two tenders and the lowest tenderer has quoted 36% above the estimate rate. After negotiation, the lowest tenderer has agreed to execute the work at 32% above the estimate rate. Accordingly, sanction was granted by the Board on 10.3.2014 by Annexure-3.

4. The report of the Honourable Ombudsman would show that the Local Fund Audit has filed its remarks stating that no attempt was seen taken to execute the work with the help of the Temple Advisory Committee and no contribution from their side was also seen made. Further, the income and expense statement of the Devaswom for the last three years was also not produced. The report of the Honourable Ombudsman states that the office bearers of the Temple Advisory Committee had informed that they are not in position to contribute for the reconstruction of the damaged Gopuram. The income and expenditure statement of the Devaswom has also been produced by the officials of the Board. In Annexure-3 Board order dated 10.3.2014, it is stated that after 2010 Schedule of Rates, there is a further revision in 2012 and the difference is

about 25 to 30%. Therefore, the Honourable Ombudsman has stated in his report that 32% excess in 2014 is justified.

5. Going by the statement filed by the Honourable Ombudsman, the existing Gopuram is damaged and it is beyond repair and requires reconstruction. The necessity of a Theyyattuthara in the Temple was also brought to his notice by the Temple Advisory Committee. Further, the income and expenditure statement of the Devaswom shows that as against the income of ₹10,43,552/-, the expense is ₹12,40,028/- for the year 2013-14. In such circumstances, the Honourable Ombudsman has suggested that appropriate orders may be passed on the permission sought for by the Board.

6. 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 K.N.Sasidharan at 32% above the sanctioned estimate rate.

7. 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.31 of 2015 is allowed.

Sd/-
P.N.RAVINDRAN, JUDGE

Sd/-
ANIL K.NARENDRAN, JUDGE

dsn