



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Order of the Hon'ble High Court dated 16/08/2019 in WP(C) No.4530/2019(S) filed by Sri.Thulasi Bhai Krishnan and another - Complied with - Orders issued

LOCAL SELF GOVERNMENT (DD) DEPARTMENT

G.O.(Rt)No.2666/2019/LSGD Dated,Thiruvananthapuram, 26/11/2019

Read 1 G.O (Rt) No.1451/2019LSGD dated,11/07/2019

2 Order of Hon'ble High Court dated 16.08.2019 in W.P.(C) No. 4530/2019(S)

3 Letter No.5175/B/2017/KSRRDA dated, 26.09.2019 from the Chief Engineer, KSRRDA

ORDER

Kambiline Unnikuzhy-Kallar road under package KR 03-97-Adimaly Block, Idukki is one of the 84 road works sanctioned for Kerala under PMGSY-II by the Ministry of Rural Development, Government of India. The Chief Engineer, KSRRDA issued Technical sanction for this Road work for an amount of ₹2,86,80,898/- (Rupees Two crore Eighty Six lakh Eighty thousand Eight hundred and Ninety Eight only) on 28/12/2016 and the work was tendered and awarded to M/s. Majestic Constructions vide Agreement No.30/CE-KSRRDA/2017-18 dated: 25/07/2017. The work site was handed over to the contractor on 07/08/2017 for starting the work but the same did not proceed well. As the work was got delayed, Sri.Thulasi Bhai Krishnan and another filed a WP(C) No.4530/2019(S) before the Hon.High Court on public interest seeking speedy completion of the work. In the meantime tentative permission was also granted to execute the work vide GO read as first paper above subject to certain conditions upholding Government interest.

2. As per the direction contained in the Order read as 2nd paper above, the Government heard the contractor on 02.09.2019. In the hearing, the contractor argued that the availability of rubble which is required for the completion of work as per estimate is an extremely difficult task in the region since almost all quarries in Idukki District have been shut down following the recommendations of Gadgil/Kasthuri Rangan Report. He is also of the view that he cannot undertake the work with the present estimate until it is revised with the component of cement concreting instead of dry rubble masonry which will actually escalate the total outlay of the project.

3. Though the argument of the contractor is not convincing and maintainable, Government have decided to explore the scope for the revision of estimate in a bid to

accomplish the project in compliance of the order of Hon'ble HC. Accordingly, the CE, KSRRDA was directed to furnish a revised proposal in tune with the demand of the contractor without compromising the safety features and quality. The Chief Engineer, KSRRDA has therefore submitted a revised estimate, as per letter read as 3rd paper above, to the tune of Rs.6,37,16,206/- (Rupees Six crore Thirty Seven lakh Sixteen thousand Two Hundred and Six only) against the sanctioned amount of ₹2,86,80,898/- (Rupees Two crore Eighty Six lakh Eighty thousand Eight hundred and Ninty Eight only) causing an excess amount of Rs. 3,50,35,308/- (Rupees Three crore Fifty lakh Thirty Five thousand Three Hundred and Eight only). In the revised estimate, Cement Concrete is proposed instead of dry rubble masonry for protection works of the road.

4. The revised proposal was examined by Government in detail and the following points are found. The contractor executed the agreement on 25/07/2017 while the restrictions for quarrying of rubble in view of Gadgil/Kasthoori Rangan report was already in force. Hence the request of the contractor to change the item of rubble work to concrete work after executing the agreement, citing difficulty in getting rubble due to the restrictions in quarrying in view of the Gadgil/Kasthoori Rangan report seems unjustifiable. The financial implications and technical feasibility of the the revised estimate has been examined thoroughly. The revised estimate has exceeded the original estimate by 122% mainly due to replacing the item of random rubble masonry works to cement concrete works. Replacing the item after tendering and award of the work defeats the basic concept of tendering which can result in undue benefit to the contractor. The intention of the petitioner to make speedy completion of the road works is to be appreciated. Government too is keen for accomplishing that purpose upholding the public interest by not giving any undue benefit to a contractor or a malevolent person who is purportedly trying to garner monetary benefits misusing Government guidelines. Government is bound to complete the work undertaken within the timeline and all steps will be ensured for its proper implementation.

5. In the circumstances, after examining the pros and cons of the issue in detail, Government hereby reject the revised proposal to the tune of Rs.6,37,16,206/- (Rupees Six crore Thirty Seven lakh Sixteen thousand Two Hundred and Six only) submitted by the CE,KSRRDA for the above work as it is devoid of merit and liable to be declined. As the contractor is legally liable to complete the work as per the original estimate in all respects, the Chief Engineer, KSRRDA is directed to carryout and complete the work urgently with the original estimate as approved initially.

6.The directions contained in the Order read as 2nd paper above is thus complied with.

(By order of the Governor)
BIJUKUTTAN.M.S
ADDITIONAL SECRETARY

To: Advocate General, Ernakulam (with C/L)
Chief Engineer, KSRRDA, Thiruvananthapuram
The Principal Accountant General (A&E), Kerala, Thiruvananthapuram,
The Accountant General (E&RSA), Kerala, Thiruvananthapuram,

Finance Department (w.r.t. E.No.932229/Dev-3/212/2018-Fin dated 05.11.2019)

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✓ Executive Director, Information Kerala Mission, Thiruvananthapuram,
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Signature valid

Digitally signed by NISAM N
Date: 2019.11.10 10:36:50 IST
Reason: Approved

Section Officer