



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - PMGSY 2001-2002 Construction of Road Works in Vamanapuram Block in Thiruvananthapuram - Judgment in WP(C)No.24566/14 - complied with - Release of balance recovered amount to M/s.Palanattil Construction Company - Sanction accorded - orders issued.

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LOCAL SELF GOVERNMENT (DD) DEPARTMENT

GO(Rt.) No.97/2015/LSGD

Dated, Thiruvananthapuram, 12.01.2015

- Read:-
1. Judgment in WP(C) No.8032/09 dated 02.01.2012
 2. G.O.(Rt) No.481/13/LSGD dated 22.02.2013
 3. Letter dated 07.03.2013 from the contractor, M/s. Palanattil Construction Company.
 4. GO(Rt)No.1520/14/LSGD dated 16.06.2014.
 5. Letter dated 18.08.2014 from contractor M/s.Palanattil Construction Company
 6. Judgment in WP(C)24566/14 dated 21.11.2014.

ORDER

M/s.Palanattil Construction Company has filed WP (C) 8032/2009 against the recovery of Rs.33,92,443/- by the Project Director, PAU towards the damages due to termination of contract at the risk and cost of the contractor. The Hon'ble High Court in its judgment read as 1st paper above, quashed the withholding of payment to the contractor and recovery of the liability amount and directed Government to pass appropriate orders with regard to grievance projected by the petitioner in the light of Circular No.13178/H3/02/PWD dated 10.05.2005. The Hon'ble High Court also observed that the only course available for recovering the loss was to file a civil suit before the competent court having jurisdiction over the area after termination of the contract at the risk and cost of the contractor before proceeding with recovery steps.

2. As per Government Order read as 2nd paper above, Government have given permission to Member Secretary, Kerala State Rural Roads Development Agency and Project Officer, Poverty Alleviation Unit, Kollam to disburse an amount of Rs.15,89,417/- withheld in the bills of the contractor for work in Chadayamangalam Block, Kollam and also directed to file civil suit to recover the loss sustained to Government after termination of contract at the risk and cost of the contractor.

3. The contractor as per the letter read as 3rd paper above has requested Government to release the balance amount of Rs.18,03,026/- out of the recovered amount. As per Government Order read as 4th paper above sanction was accorded to release the withheld payment of Rs.15,89,417/- (Rupees Fifteen Lakh Eighty Nine Thousand Four Hundred and Seventeen only) in view of the Hon'ble High Court order.

4. As per reference 5th cited M/s.Palanattil construction company has requested for the balance amount of Rs.2,13,609/- and filed WP(C)No.24566/14 in High Court for getting the said amount. The High Court, as per judgment read as 6th paper above has directed Government to pay the balance amount of Rs.2,13,609/- to the petitioner within a period of six weeks.

5. Government have examined the matter in detail and are pleased to accord sanction to release the balance recovered amount of Rs.2,13,609/- (Rupees Two Lakh Thirteen Thousand Six Hundred and Nine Only) to the petitioner. The Member Secretary, Kerala State Rural Roads Development Agency will pursue effective action to file civil suit against the contractor for recovery of the amount due to Government in the matter.

6. The direction of the Hon'ble High Court in the judgment read as 6th paper above is thus complied with.

(BY ORDER OF THE GOVERNOR)

Ramankutty.C,
Deputy Secretary to Government

To

1. The Commissioner for Rural Development, Thiruvananthapuram.
2. The Member Secretary, Kerala State Rural Roads Development Agency.
3. Shri.P.P.Paulose, Managing Partner, M/s.Palanattil Construction Company, Review Building, Nalanchira P.O., Thiruvananthapuram.
4. The Project Director, Poverty Alleviation Unit, Thiruvananthapuram.
5. The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.
6. The Accountant General (A&E), Kerala, Thiruvananthapuram.
7. Finance Department (Vide UO(f) No.Dev.3/73/14/Fin.)
8. The Director, Information Kerala Mission, Thiruvananthapuram.
9. Stock File/ Office Copy.

Forwarded/By Order,


Section Officer.