

GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Judgment dated 8.3.2016 in WP(C) No. 15610/13 filed by M/s. Ram Biologicals - complied with - Orders issued.

LOCAL SELF GOVERNMENT (DC) DEPARTMENT

G.O.(Rt)No.2795 /2016/LSGD.

Dated, Thiruvananthapuram, 03.10.2016

- Read:-
1. Judgment dt. 8.3.2016 of the Hon'ble High Court in WP(C) No. 15610/13
 2. Letter dated 05.08.2016 from the CEO, Ram Biologicals
 3. Report dated 29.8.2016 submitted by the Secretary, Irinjalakkuda Municipality

ORDER

Porathissery Grama Panchayat in Thrissur District entered into an agreement with M/s. Ram Biologicals, an authorised service provider of Suchitwa Mission, on 19.03.2010 for supplying Waste Bins & Litter Bins for implementing a Solid Waste Management project in the panchayat. The firm supplied articles amounting to Rs 8,60,053.88/- and the panchayat paid an amount of Rs 2,88,000/- to the firm pending final settlement. Meanwhile Porathissery Grama Panchayat was merged with Irinjalakkuda Municipality. M/s Ram Biologicals approached Irinjalakkuda Municipality with request for disbursal of balance amount.

Aggrieved by non-receipt of money they filed WP(C) No 15610/13 before Hon'ble High Court. The Hon'ble High Court in its judgment read as 1st paper above directed the Secretary to Government, LSGD to take a decision on the request of the Irinjalakkuda Municipality for permission to release the balance amount to the petitioner with notice to the petitioner, the 2nd respondent the Chairperson of the Municipality and the 3rd respondent the Director of Urban Affairs. As per the letter read as 2nd paper above the petitioner furnished a copy of the judgment to Govt and requested to issue orders for releasing the balance amount.

The 3rd respondent was heard on 23.8.16 and the petitioner on 31.8.16. The 2nd respondent didn't attend hearing although she was given three opportunities. The petitioner submitted that the waste bins were supplied on 13.7.2010 as per the agreement, but the balance amount of Rs. 5,72,053.88 has been withheld unlawfully by the authorities for the last six years. In the report read as 3rd paper above the Secretary, Irinjalakkuda Municipality has informed that settling the bills was delayed as the Municipality had to obtain legal opinion and permission of the Director of Urban Affairs in the matter. The officer representing the Director of Urban Affairs informed that no request from the Municipality was received in his office.

Government have examined the matter in detail. The Hon'ble High Court has directed Government to take a decision on the request submitted by the Irinjalakkuda Municipality. It is seen that no such request has been received in Government. The Secretary, Irinjalakkuda Municipality has admitted that the petitioner had supplied the items and the same were taken into stock by the Porathissery Grama Panchayat. Since the Porathissery Grama Panchayat has been merged with the Irinjalakkuda Municipality it is for the Municipality to settle the liabilities of the former. The petitioner has claimed that an amount of Rs. 5,72,053.88 is due from the Municipality, while the Municipality puts it as Rs. 5,40,000/-.

The Secretary, Irinjalakkuda Municipality is directed to examine the matter in detail with reference to the agreement executed between the petitioner and Porathissery Grama Panchayat, the quantity of items supplied by the petitioner and the amount already paid by the panchayat and release the balance amount due to the petitioner within one month under intimation to Government.

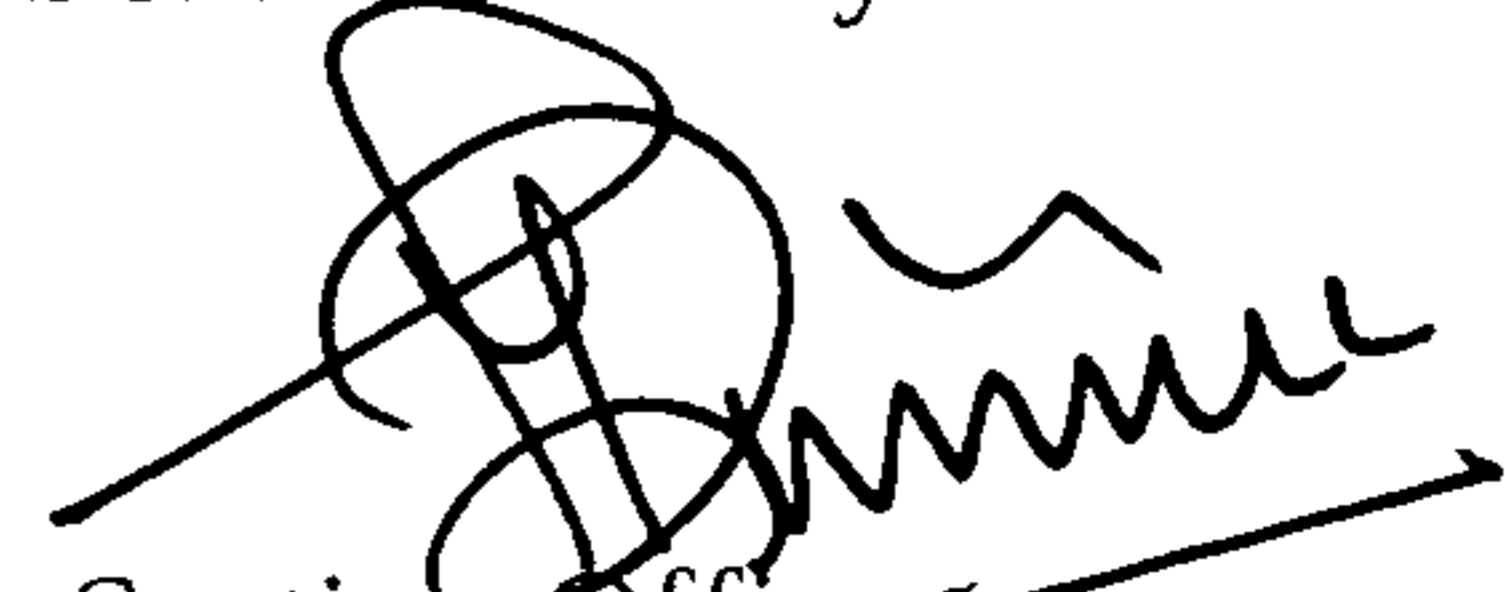
The direction of the Hon'ble High Court in the judgment read as 1st paper above is thus complied with.

(By order of the Governor)
D Santhosh
Deputy Secretary to Government

To

The Advocate General, Eranakulam (with C/L)
The Secretary, Irinjalakkuda Municipality
The CEO, Ram Biologicals, 1/3442-E, Ayswarya Mansion Building, 1st Floor,
West Hill (PO), Kozhikode
The Director of Urban Affairs, Thiruvananthapuram.
The Principal Accountant General (Audit/A&E), Kerala, Thiruvananthapuram.
✓ The Executive Director, Information Kerala Mission
The Director, I & PRD, Web & New Media
Stock File/ Office Copy.

Forwarded/ By Order


Section Officer

Copy to:- PS Minister (LSGD)
PA to Principal Secretary (LSGD).