

**GOVERNMENT OF KERALA****Abstract**

Local Self Government Department- Judgement of the Hon'ble High Court dated 27.09.2024 in WP(C) No.29618/2024 filed by Sri. Nibu Peter, Managing Partner, M/s O.P Pathrose & Company - Complied with - Orders issued.

Local Self Government (DD)Department

G.O.(Rt)No.672/2025/LSGD Dated,Thiruvananthapuram, 11-03-2025

- Read:- 1.Judgment dated 27.09.2024 in WP(C) No.29618/2024 filed by Sri. Nibu Peter, Managing Partner, M/s O.P Pathrose and Company
2.Letter No. KSRRDA/80/2023-B dated 26.09.2024 & 27.11.2024 from the Chief Engineer, KSRRDA
3.G.O.(Rt)No.2139/2024/LSGD dated 08.11.2024
4.Consolidated Minutes of the Standing Empowered Committee meeting held on 20.11.2024 & 03.01.2025

ORDER

M/s O.P Pathrose and Company was awarded with the PMGSY Work of Package No.KR 02-59 Rubberpark Alinchuvadu Tank city Meprathupady Mankuzhi road in Ernakulam and executed agreement on 12.04.2022. As there was no progress in work, several notices were issued to the contractor to complete the work in time. But the contractor filed WP(C) No.29618/2024 with a request to stop further actions against him and as per the interim order dated 22.08.2024, the Court directed the Chief Engineer, KSRRDA to take a decision on Ext.P8 representation of the Petitioner. By the Exbt P8 representation submitted by the petitioner before the CE,KSRRDA,he had requested to consider his grievance after providing an opportunity of hearing and after calling for records from the office of the Executive Engineer regarding works done by the KWA and the District panchayat in the the road stretches Ch 0 km to 3 km and Ch 7.750 km to 8.340 km .Further it was requested for issuance of completion certificate in relation to the work as per the agreement

excluding the above road stretches pending finalisation of this representation and to keep in abeyance all further proceedings pending disposal of this representation. Accordingly the Chief Engineer heard the petitioner and decided to place the matter before Standing Empowered Committee (SEC). In the meantime, the Hon'ble High Court, as per the judgement read as 1st paper above directed the Standing Empowered Committee to take a decision in the matter, after affording an opportunity of hearing to all concerned, within three months of receipt of a copy of the judgement and to hold all coercive proceedings against the petitioner until the final decision.

2) Accordingly, the Standing Empowered Committee constituted as per Government order read as 3rd paper above, heard the petitioner on 20.11.2024. The Petitioner informed the SEC that the pending work is only from ch. 0/0 km to 3/077 km. From ch.1/500 km to 3/077 km, Kerala Water Authority is continuing pipe works as part of Jal Jeevan Mission and restoration is not done yet. The petitioner requested either to drop the stretch from ch. 0/0 km to 0/210 km and modify the estimate of the balance portion or to terminate the contract with out risk and cost. Standing Empowered Committee discussed the matter and decided to call for the detailed report from the Chief Engineer, KSRRDA on the demand of the petitioner.

3) Accordingly, the Chief Engineer submitted a detailed report in the next meeting of SEC held on 03.01.2025. The Chief Engineer, KSRRDA reported that the contractor had completed all hindrance free works in connection with the package. As there is no lapse from the part of the contractor, the contractor may be excluded from the work with out risk and cost and the remaining work may be rearranged by revising the estimate by which the balance amount of Rs. 2.64 crore can be utilized. The non Official Member endorsed the same. Thus the SEC decided to exclude the contractor from the work with out risk and cost and to rearrange the balance work by preparing revised estimate, as the contractor had already completed all hindrance free works in connection with the package and no deliberate lapses were seen from the part of the contractor.

4) Government have examined the matter in detail and accepted the final decision of the Standing Empowered Committee and to direct the Chief Engineer, KSRRDA to exclude the contractor from the work with out risk and cost and to rearrange the balance work by preparing revised estimate.

5) The Judgment read as 1st paper above is thus complied with.

(By order of the Governor)

SHEEJA R S

JOINT SECRETARY

To: The Chief Engineer, KSRRDA, Thiruvananthapuram
Sri. Nibu Peter, Managing Partner, M/s. O.P Pathrose and Company ,
Ombalayil Buildings, Kolencherry , Emakulam

The Advocate General, Kerala,Ernakulam (with C/L)

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram

The Accountant General (A&E), Kerala, Thiruvananthapuram

Web & New Media, I&PRD

The Director, Information Kerala Mission, Thiruvananthapuram

Stock File

Forwarded /By order

Section Officer

Copy to:- Private Secretary to Hon'ble Chief Minister
Private Secretary to Hon'ble Minister for LSGD