GOVERNMENT OF KERALA

Abstract

Health and Family Welfare Department - Building Construction for Government Nursing College, Alappuzha - Settlement of final payment - Judgment dated 15.02.2023 of Hon'ble High Court of Kerala in WP(C) No.239/2022 - Complied with - Orders issued.

HEALTH AND FAMILY WELFARE (P) DEPARTMENT

G.O.(Rt)No.1705/2023/H&FWD Dated,Thiruvananthapuram, 14-07-2023

Read 1) Judgment dated 15.02.2023 of Hon'ble High Court of Kerala in WP(C) No.239/2022

2) Letter No.DME/4923/2022/P3 dated 27.03.2023 from the Director of Medical Education

3) Letter No.HPL/K/PM/2022-23/72/304 dated 29.03.2023 from the Project Manager(Civil), Hindustan Prefab limited

4) Letter No.P3/31582/2016/DME dated 04.04.2023 from the Director of Medical Education

ORDER

As per the judgement read as 1 st paper above, the Hon'ble High Court has directed the State government to convene a meeting of the responsible persons of Hindustan Prefab Limited the 1st respondent company, the Principal TD Medical college Alappuzha and the Director of Medical Education, within three weeks from the date of receipt of a copy of judgement and identify the issue exactly as to whether who is to make payment to the petitioner . Further that if it is found that the payments are due to the petitioner, it is to be released by the concerned authority to the petitioner within two months from the date of decision taken by the Government.

2) In compliance with the directions thereof, the parties were heard in person on 28.03.2023 and the following points were noticed;

- Government had accorded revised administrative sanction for construction of Multipurpose Hall & Alteration of Existing Building of Govt Nursing College Alappuzha for an estimated amount of Rs.2.30 crores vide GO (Rt) No 2877/2013/H&FWD Dated 17.07.2013. This was for Construction of a Three floor building .
- As the Nursing College was at that time functioning under the Medical College, the Principal Alappuzha Medical College had executed an agreement with PMC Hindustan Prefab Limited who in turn awarded the work to INKEL Ventures. As this firm abandoned the work, PMC Hindustan Prefab Limited awarded the work to M/s Antos Constructions, the petitioner in WP(c) No.239of 2022.
- As per the decision of the Building Committee, building plan was revised for laying foundation for five storied building but for construction of only two floors with Multipurpose Hall, as the AS amount was not sufficient to construct all the three floors. This was later ratified and revised AS issued by Government vide G.O (Rt) No 2879/2019/H&FWD dated 29.11.2019 for an amount of Rs.2,65,19,454/-.
- The Principal TD Medical College, Alappuzha withheld final payment to the contractor as only the ground floor had been made usable and even the solid work of the First floor has not been completed and the upper portion of the first floor is covered with sheets for protection from the rain.
- The representative of HPL contended that withholding of the final payment is arbitrary as the Chief Engineer NHM Technical Committee has concluded in 2018 that the Consultant M/s HPL has finished the work satisfactory. Thereafter, the building was taken over by the then Nursing College Principal on 29.01.2019 .
- While allowing approval for revised AS as per the changes brought in the building plan, it was also allowed the request to issue permission to the Principal Medical College Alappuzha for giving final payment to the contractor after deducting the interest accrued on the deposit made to HPL, the liquidated damages recovered from the contractor and other statutory deductions.
- Further, Government as per Letter No. P1/189/2019/Health 12.11.2021 have given a slew of directives to be ensured by DME

before final settlement of PMC accounts.

3) Having examined the matter in detail with reference to records and submissions made by the parties, Government are pleased to order that the Principal, Govt. TD Medical College, Alappuzha who made the payment so far for the work, is the authority to make payment for final settlement also for the work laying foundation for five storied building and construction of two floors with Multipurpose Hall for Govt Nursing College Alappuzha. For enabling this final settlement within two months from the date of this Government Order as ordered by the Hon'ble Court, the Director of Medical Education and Principal, Govt TD Medical College Alappuzha shall ensure compliance of directives issued by Government as per letter No. P1/189/2019/Health 12.11.2021 *as also that work has been completed as per the revised plan* , at any rate before the expiry of time limit. It will be incumbent on the Project Manager, Hindustan Prefab Limited and the Contractor also to honor the aforesaid directives as also that of Technical Committee for DME Works so as to facilitate settlement of final payment as ordered by the Hon'ble Court.

4) The judgement dated 15.02.2023 of Hon'ble High Court of Kerala in WP(c)No.239/2022 to the extent of directives given to the State Government is thus complied with.

(By order of the Governor)
A P M MOHAMMED HANISH
PRINCIPAL SECRETARY

To:

The Director of Medical Education, Thiruvananthapura

The Principal, Govt TD Medical College, Alappuzha

The Principal, Nursing College, Alappuzha

The Advocate General, Ernakulam (With C/L)

The Project Manager, Hindustan Prefab limited, Sunny Lane, TC27/3126, Palayam, Thiruvananthapuram -695034

The PROPRIETOR, ANTOS Constructions, PATHIL HOUSE, Kannady, Pulimkunnu P.O., Alappuzha-688504

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

Information Officer, Web & New Media
Stock file / Office copy

Forwarded /By order
Signed by
P K Santhosh
Date: 14-07-2023 15:15:02
Section Officer

Copy to:- PS to Principal Secretary, Health Department