



## GOVERNMENT OF KERALA

### Abstract

Health and Family Welfare Department - Malabar Cancer Center - Construction of Pediatric Oncology Block Thalassery- Releasing of pending payment to HLL - Judgment dated 10.11.2020 of Hon'ble High Court in WP(C)No.31098/2019 - Complied with - Orders issued

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### HEALTH AND FAMILY WELFARE (P) DEPARTMENT

G.O.(Rt)No.1512/2023/H&FWD Dated,Thiruvananthapuram, 26-06-2023

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- Read
- 1) Representation dated 19.10.2020 from HLL limited
  - 2) Judgment dated 10.11.2020 in WP(c)No.31089/2021 by the Hon'ble High Court of Kerala.
  - 3) Letter No.TC/KIIFB/Genl/20/2021 dated 19.07.2021 from the Head, Technical Committee for KIIFB Works
  - 4) Letter No.MCC/3388/2020-SUP-PL/2758 dated 21.06.2022 and 10.11.2022 from the Director, Malabar Cancer Center, Thalassery
  - 5) Letter No.TC/KIIFB/Gen-1/107/2023 dated 29.05.2023 from the Head, Technical Committee for KIIFB Works

### ORDER

The Hon'ble High Court in its judgement dated 10.11.2020 in WP (C) No.31098/2019 filed by the HLL Life Care Limited has directed the 2nd respondent , the State of Kerala represented by the Secretary, Health and

Family Welfare Department to consider the exhibit P.56 representation given by the petitioner after giving an opportunity of hearing to the petitioner as well as the 1<sup>st</sup> respondent and pass appropriate orders on exhibit P.56 representation within a period of 2 months from the date of receipt of the copy of the judgment.

2. HLL Life Care Limited had submitted a representation before the Government on 19.10.2020 seeking direction to the Malabar Cancer Centre for releasing dues up to the tune of Rs.2.48 Crore for the works done in respect of the construction of Pediatric Oncology Block Thalassery.

3) As per the directions in the judgment of Hon'ble High Court, the petitioner along with the respondents were heard on 28.12.2020 and since the matters involved technical aspects to be evaluated, the Technical Committee for KIIFB Work was requested to furnish a report on the matter assessing the work completed by HLL & examine the documents submitted by HLL for releasing the claim. As per the letter read as 3<sup>rd</sup> paper above, the Technical Committee for KIIFB works has reported that MCC had entrusted the said work to HITES and accordingly, M/S HITES has to prepare DPR to the full satisfaction of the client, prepare BOQ, tender the work as per existing norms, carryout the work and handover the finished product to the user department in an occupiable condition. The PMC is expected to get all the approvals and should provide all technical inputs to the user departments. But in this case, this did not happen and the building was not put to use even though the PMC have tendered the work in 2013. The bill submitted by PMC was not complete in its true spirit and the PMC submitted the completed bills only after the unilateral abandoning of the work. Hence the TC had suggested negotiation at Government levels to settle the dispute.

4) Accordingly, both the parties were heard again on 5.11.2021. After detailed deliberations and having examined the issues on both the sides, it was directed that both parties should sit together for a final discussion and to arrive at an amicable settlement. Accordingly both the parties sit together on 24.05.2022 and the negotiated amount to be paid by MCC to HLL was decided as Rs.86,14,764/- and the HLL agreed to the same. As per the letter read as 4<sup>th</sup> paper above, the MCC has also reported that the original AS issued during 2012 is for Rs. 8.70 Crore and total liability on completion of project in 2019 is Rs.9,94,40,834/- which includes amount paid for settlement (Rs.86,14,764), final bill in respect of ULCCS towards rearrangement of balance works, GST, CPWD revision and consultancy charge. Accordingly MCC has intimated that on receipt of the formal approval of the settlement amount from the Government, revised estimate for additional Administrative Sanction for Rs.1,24,40,834/- which includes settlement amount of Rs.86,14,764/-, will be submitted.

5) As per the letter read as 5<sup>th</sup> paper above, the Technical Committee has informed as per the points discussed in the meeting held on 24.05.2022, the Director, MCC brought the details of settlement before the building committee comprising EE District Panchayath Kannur, EE PWD Buildings & Local Works Division Thalassery, DMO Kannur, Superintendent, General Hospital Thalassery, Director MCC, Accounts Officer MCC, Administrative Officer MCC, and Engineer MCC and the committee accepted the settlement the dues amount of Rs.86,14,764/-. The HLL has furnished all necessary drawings and connected records and executed supplementary agreement for extra items of work and have concluded the settlement deed for the above work. Hence the TC has recommended that in the light of the decisions

taken in the meeting held on 24.05.2022, the settlement of Rs.86,14,764/- agreed between MCC and HLL after conducting due negotiations may be accepted and also to take further action to close the matter. In the letter read as 4th paper above, the Director of MCC reported that the 82nd Executive Committee that met on 27.06.2022 approved the final negotiated rate of Rs.86,14,,764/- as the final settlement amount.

6) Government have examined the matter in detail and are pleased to order that the Director, MCC shall pay an amount of Rs.86,14,764/- to M/s HLL as per the settlement arrived at regarding the claim for the work Construction of Pediatric Oncology Block on condition that the HLL shall furnish necessary 'as built drawings' and connected records and executed supplementary agreement for extra items of work and also that the settlement deed shall be concluded for the above work.

7) The judgement dated 10.11.2020 of Hon'ble High Court of Kerala in WP(C) No. 31098/2019 is complied with accordingly.

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

To:

The Director, Malabar Cancer Center, Thalassery

The Associate Vice President, HITES, HLL Bhavan, Poojappura,  
Thiruvananthapuram

The Advocate General, Kerala, Ernakulam

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

Information Officer, Web & New Media

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