

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

Public Works Department – Construction of Extension of river view road up to 15th mile in Ettumanoor - Poonjar State High Way -Judgment dated 13.11.2024 in WP(C) 25038/2024 filed by M/s Akshaya Builders before the Hon'ble High Court of Kerala - Complied with- Orders issued.

PUBLIC WORKS (G) DEPARTMENT

G.O.(Rt)No.1057/2025/PWD Dated,Thiruvananthapuram, 15-07-2025

Read 1 G.O.(Rt.) No. 1452/2015/PWD dated 30/09/2015

2 Judgment dated 13.11.2024 in WP(C) 25038/2024 filed by
M/s Akshaya Builders before the Hon'ble High Court of Kerala.

3 Letter No.CEPWD/13421/2024-C4(W)-RD dated 04.04.2025
from the Chief Engineer PWD Roads Thiruvananthapuram.

ORDER

As per the Government Order read as 1st paper above, Administrative Sanction was accorded for the work - Construction and Extension of River View road up to 15th mile in Ettumanoor - Poonjar State High Way - for an estimate amount of Rs 47.50 crores. Technical Sanction was issued for an amount of Rs. 31.97 Crores. The work was awarded to a contractor viz M/s. Akshaya Builders and agreement was executed vide Agreement No.253/SESC/2017-18 dated 27.03.2018. The work commenced on 13.07.2018 and actual time of completion of the work was 24 months which expired on 12.07.2020. As requested by the contractor the time of completion was extended 8 times ie up to 12.01.2024 without imposing fine.

2. Meanwhile the construction work came to a stand still due to a petition viz OS.No. 232/2022 filed before the Hon'ble Munissif's Court, Pala by Sri. Prakashan, owner of Komalam Hotel, Pala whose land was accidentally

missed during the initial LA procedure, which is needed to be acquired for the above mentioned work to progress. The LA procedure of this land is in progress and proposal for Negotiable purchase of land at this portion is under consideration of Government.

3. Under the above circumstances M/s. Akshaya Builders filed WP(C) 25038/2024 before the Hon'ble High Court of Kerala and vide the Judgment read 2nd above, the Hon'ble High Court directed the respondents to refund the Performance Guarantee, Additional Performance Guarantee and security deposit furnished while executing the agreement, proportionate to the work completed by the petitioner, and leaving it open for the petitioner to negotiate with the respondents for carrying out the balance work by including the Price escalation clause.

4. As per the judgment read as 2nd paper above, the contractor - M/s. Akshaya Builders was addressed and after scrutinizing the contractor's willingness to execute closure of the agreement without prejudice to their claim and entitlements in light of the prevailing Rules, provisions of PWD Manual, GO(P) No. 161/2019/FIN dated 25/11/2019 & GO(P) No. 56/2023/FIN dated 08/06/2023 the Chief Engineer PWD Roads Thiruvananthapuram, vide letter read as 3rd paper above, requested to terminate the subject work without risk and cost of the contractor, as the work is in a standstill position since December 2023 and can be resumed only after the completion of LA procedures.

5. Government have examined the matter in detail and are pleased to accord sanction for exempting the contractor viz M/s Akshaya builders from the work - Construction and Extension of River View road up to 15th mile in Ettumanoor-Poonjar State High Way - without risk and cost of the contractor, subject to the following conditions;

i). The Chief Engineer should ensure there is no fault on the part of the existing contractor in complying with the agreement conditions and there is no breach of the contract has occurred on the part of the existing contractor.

ii). If the delay in execution of the work is due to any fault on the part of the contractor/the required progress has not been achieved due to fault on

part of the contractor, the fine/liquidated damages should be levied from the contractor as per the agreement conditions.

6. The direction of the Hon'ble High Court of Kerala vide the Judgment read 2nd above is thus complied with.

(By order of the Governor)
K BIJU I A S
SECRETARY

To:

The Advocate General with C/L.

M/S.Akshaya Builders, No.VI/723C, Weston
Arcade, Velloorkunnam, Market(P.O), Muvattupuzha, represented by its
Managing Partner, P.P.Ajithkumar, residing at Puthenpurakkal, Prakash
road, Market (P.O), Muvattupuzha, Pin: 686673.

The Chief Engineer PWD (Roads), Thiruvananthapuram.

The Superintending Engineer PWD (Roads), South Circle,
Thiruvananthapuram.

The Executive Engineer, PWD Roads Division, Kottayam.

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

The Finance Department(Vide U.O.No.3132855 /I&PW-B2/142/2025-FIN
dated 27/06/2025)

Law Department(Vide U.O.ST-II3/141/2025-LAW dt. 07/07/2025)
Stock File/Website

Forwarded /By order

Section Officer