



GOVERNMENT OF KERALA

Abstract

G.O.(Rt.)No.400/2010/FWLD dated 14/09/2010 issued in compliance with the Judgment in O.P.No. 4455/97(E) filed by M/s Travancore Cements Ltd. -Modified-Orders issued.

FOREST AND WILDLIFE (B) DEPARTMENT

G.O.(Rt)No.77/2023/F&WLD Dated,Thiruvananthapuram, 17-02-2023

Read 1 Judgement dated 13.11.2007 in O.P.No. 4455/97 (E).

2 G.O.(Rt.)No.400/2010/FWLD dated 14/09/2010.

3 Petition dated 13/08/2016 submitted by Sri. E. M. Ravindran to Additional Chief Secretary, Forest and Wildlife Department.

4 Letter No. Pro(5)-1052/2008 dated 24.02.2014,20.04.2017 & 08.03.2018 and Letter No. Pro(5)-8021-13 dated 24.09.2022 from the Principal Chief Conservator of Forest Conservator (Forest Management) .

ORDER

M/s. Travancore Cements Ltd. filed an O.P No. 4455/1997 in the Hon'ble High Court against the revenue recovery initiated against the firm to recover the loss of Rs.88,256/- incurred to Government. The issue relates to the allotment of 20 M3 of Teak wood logs from Chaliyam Depot to Travancore Cements Ltd. for repairing wooden barges & boats. The company informed that they were not interested in purchasing timber, around two and a half months after the selection of timber: The timber was re-auctioned, which resulted in Government loss of Rs. 88,256/-. The Company filed OP 4455/97 against recovery of said amount which was disposed off vide judgment read as 1st paper above, wherein the Hon'ble High Court directed the Chief Secretary to

Government to conduct an enquiry and fix the liability and proceed for recovery against the Government Company (Travancore Cements Ltd.), only if the same is justified. Accordingly, it was ordered as per the Government Order read as 2nd paper above to recover 50% of the said loss amount from M/s Travancore Cements Ltd and 50% from the then Divisional Forest Officer, Kozhikode Timber Sales Division, fixing the Government loss as Rs.88,256/-. Pursuant to the said Government order, Travancore Cements Ltd remitted 50% of the loss amount of Rs. 46,515/- (including interest). On 15.10.2012, Sri. E. M. Ravindran, then Divisional Forest Officer of Kozhikode Timber Sales Division, who retired from service in 1999, was issued a notice from the Forest Department headquarters to pay 50% of the loss incurred to Government. Government have also given direction to file a civil suit to recover the amount.

Shri. E.M. Ravindran requested to verify the Government loss calculated as it was not done earlier and has stated that he was not heard as these procedures did not undergo before he was given notice. And also argued that the loss incurred to the Government was only due to the failure of M/s Travancore Cements to take over the timber reserved for the firm within the stipulated time. The Chief Conservator of Forests, Kannur (Northern Circle) on examining the assessment of the government's loss and it was found that there was an error in the calculation of the amount and the actual loss was found to be only Rs.38,591/-.

The Principal Chief Forest Conservator (Forest Management), vide letter read as 4th paper above, has requested government to refrain from collecting the amount from Sri. Ravindran on humanitarian grounds as he was retired from service years back and requested to take a final decision in this matter since the lapses in the procedures can only be

considered not deliberate since the fact that the liability was not reckoned during that period and more amount was recovered from Travancore Cements than the loss incurred by the Government.

Government have examined the matter in detail including the issue which lead to the issuance of the Government Order read above and orders the following;

- 1) The loss incurred to Government is refixed as Rs.38,591/- (Thirty-eight thousand five hundred ninety-one rupees only).
- 2) The entire loss is to be recovered from M/s Travancore Cements Ltd by approving the contention that the loss occurred to the Government was only due to the failure of M/s Travancore Cements to take over the timber reserved for the firm within the stipulated time from the Challium Timber Depot.
- 3) The Principal Chief Conservator of Forests (Forest Management) shall take necessary steps to return Rs.7,924/-(Seven thousand nine hundred twenty-four rupees only) to M/s Travancore Cements Ltd as the firm has already paid Rs.46,515/-
- 4) The government order read above stands modified accordingly.

(By order of the Governor)

K R JYOTHILAL

ADDITIONAL CHIEF SECRETARY

To:

The Chief Conservator of Forests (Forest Management),
Thiruvananthapuram.

The Chief Conservator of Forests (Administration), Thiruvananthapuram.

The Managing Director, Travancore Cements Ltd., Nattakom, Kottayam.

The Advocate General, Kerala, Ernakulam (with covering letter)

The Divisional Forest Officer, Timber Sales Division, Kozhikode.

Finance (Agri-B) department(B2/151/2022/Fin dated

10.06.2022,16.11.2022 and U.O. Note of even number dated 13.12.2022).

Law (Opinion-D) Department (No.12021/D2/17/Law dated 27.04.2017).

✓ Web and Newmedia *(to publish in the official website).*

SF/OC

Forwarded /By order

Signed by

Ravindran C

Section Officer

Date: 24-02-2023 14:46:48