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IN THE HIGH COURT OF ORISSA CUTTACK

W.P.(C) NO. 4369 OF 2003

Maitree Sansada **Petitioner**

-Versus-

State of Orissa and other **Opposite Parties**

**STATUS REPORT ON BEHALF OF
ORISSA WATER SUPPLY AND SEWERAGE BOARD**

I Shri Kshitish Chandra Sahoo, aged about 49 years, son of Sri Padmanav Sahoo, at present Project Engineer, Project Management Unit, Bijupatnaik Square, Tulsipur, Town / District Cuttack do hereby solemnly affirm and state as follows :

1. I am the Project Engineer, in charge of Project Management Unit, Orissa Water Supply and Sewerage Board at Cuttack and I am acquainted with the developments of the present case. I have been authorized by the Member Secretary of the Board to swear this affidavit on behalf of Orissa Water Supply and Sewerage Board.
2. That, the work captioned "interception & diversion works consisting of design, construction testing and commissioning of sewage pumping station with wet well including rcc/masonry drains and all civil, electrical and mechanical works at Jobra and Chauliaganj area with laying of C.I. rising main etc. all complete at Cuttack city, has been settled in favour of M/s Kirloskar Brothers Ltd., Kolkata and an agreement dated 24.02.2010 has been executed between Orissa Water Supply and Sewerage Board and M/s Kirloskar Brothers Ltd. The total project cost is Rs. 3,17,99,000.00. As per agreement the period of completion is 8 months from the date of issue of work order.


M. K. S.
Adv.

M. K. S.
**TANKADHAR MISHRA
NOTARY, CUTTACK**

Kshitish Chandra Sahoo

3. That, work order in respect of the project has been issued by the Project Engineer on 24.02.2010, which spell out that the stipulated period of completion including testing, commissioning and trial run of the entire work in all respects is 8 months from the date of issue of the work order which shall be strictly adhered to since time is the essence of the contract. A copy of the work order dated 24.02.2010 is filed herewith and marked as **Annexure-A**.
4. That, during site inspection, it was found that there are encroachments in certain stretches of the project area in Chauliaganj and Jobra. The Project Engineer has requested the Executive Engineer – II, Cuttack Municipal Corporation by letter dated 22.02.2010 to take effectual steps to remove the encroachment at the earliest, for smooth execution of the work. Two sketch maps showing the encroached area had been enclosed with the letter (supra) to enable the corporation to make the area / places encroachment free. It is for the Cuttack Municipal Corporation to take appropriate steps in this regard. A copy of the letter dated 22.02.2010 sent by the Project Engineer to Cuttack Municipal Corporation is filed herewith and marked as **Annexure – B**.
5. That, in the mean time the contractor has submitted some of the drawings and designs for the work in question. The soil investigation has been completed. The contractor has already deployed labour force at the site and has taken up the preliminary works.
6. That, in the order dated 19.02.2010, this Hon'ble Court has observed that the contractor has undertaken to complete the work before the rainy season and the Board has been directed to file an affidavit every month indicating the progress of work. It is submitted that the counsel for the Board was not posted with the correct factual position in as much as the agreement has not been executed by 19.02.2010, when this Hon'ble Court had passed the order. In the ends of justice, and taking into consideration

AKS
Adm.


YANKABHAR MISHRA
NOTARY, CUTTACK

Rishikesh Chandra Saha

the provisions in the agreement, the order dated 19.02.2010 may be clarified, in the light of the agreement and the work order executed between the Board and the contractor.

7. That, in the mean time the contractor M/s Kirloskar Brothers Ltd. has also submitted a bar chart indicating the works to be executed in each month. In this connection, this deponent submits that, in the affidavit dated 31.10.2009, filed on behalf of the Board in this Hon'ble Court, a copy of the tender call notice had been annexed which specified the period of completion to be 8 months.
8. That, this deponent shall file further affidavit indicating the status and developments from time to time, as directed by this Hon'ble Court by order dated 19.02.2010.
9. That, the facts stated in the foregoing paragraphs are true to the best of my knowledge and belief based on official records and information received

Identified by

Manoj Kumar Panda

Advocate

Cuttack

Dated 12th March 2010

Rohitish Chandra Sahu

Deponent

Solemnly Sworn before
me by..... *W. Sahu*

being identified by *Mr. M. Panda Adv*
at Cuttack dated *12th March 2010*

W. Sahu
Sankadhar Mishra
Notary Cuttack Town

