

കേരളം കേരल KERALA

EA 832389

SUPPLEMENTAL AGREEMENT NO. 02 of 27/2020-21/SE/A..... TO THE ORIGINAL AGREEMENT NO. 27/2020-21/SE/A..... FOR EXTENSION OF TIME OF COMPLETION.

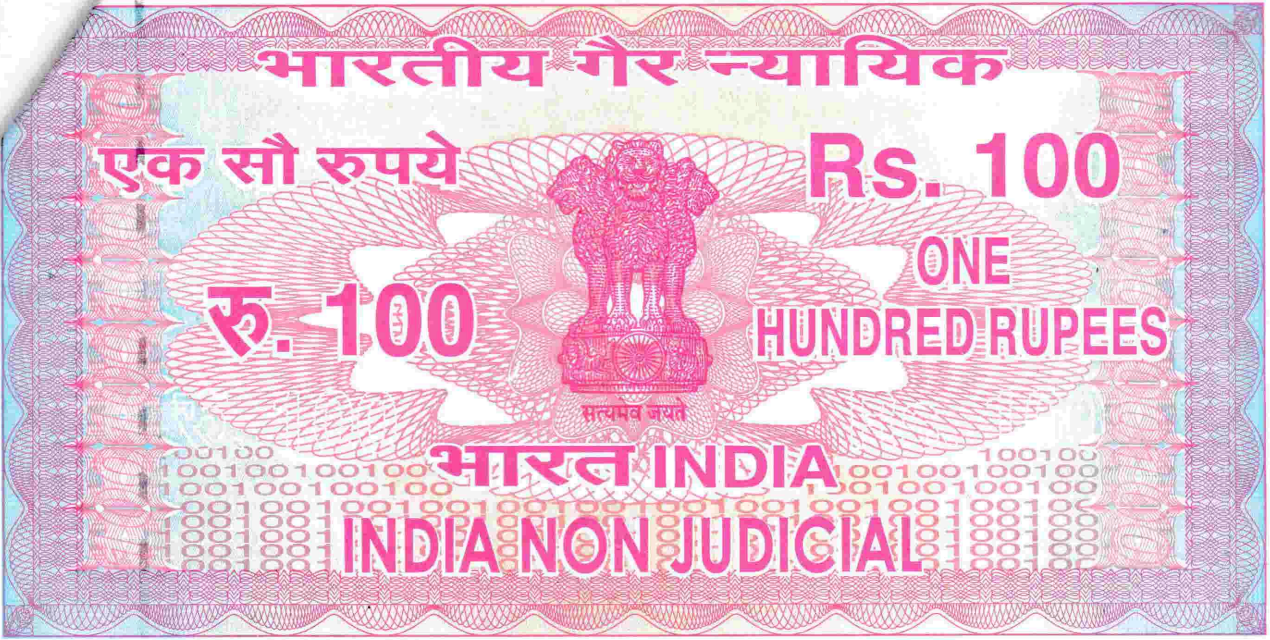
The agreement made the 28th day of October, Two Thousand and Twenty Three (2023) between Sri. M.S. J.S.B. Engineering & Construction Company, Kuttan, Thiruvalla Years, K.W.A. Contractor (Which expression shall include his heirs, executors, administrators and permitted assigness) of the one part and the Superintending Engineer, P.H. Circle, Kerala Water Authority, Kollam for and on behalf of the Kerala Water Authority of the other part.

Whereas an agreement was entered into between the parties hereto numbered as Agreement 27/2020-21/SE/A DATED: 08/01/2021 of the office of the Superintending Engineer, P.H. Circle, Kerala Water Authority, Kollam (hereinafter referred to as the Principal Agreement) under the terms of which the contractor has agreed.


CONTRACTOR


SUPERINTENDING ENGINEER





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EA 832390

To execute the work of " Providing functional house hold tap connection, distribution system construction of 6000L capacity Service Reservoir cum B.P.T. of Thanitbadam and laying 200mm DI K9 clear water Transmission main from cheyodu G.LSR to B.P.T. of ^{vilakudy PS} " more particularly mentioned and described therein (hereafter referred to as the said work in accordance with the terms and conditions stipulated therein within a period of 24 months (hereinafter referred to as "the said period).

Whereas the contractor could not complete the said works within the said period.

The contractor has requested the Superintending Engineer, P.H.Circle, KWA, Kollam that the period of completion of the said works be extended up to 06/09/2023.

CONTRACTOR.

SUPERINTENDING ENGINEER

No. 10526 P-100

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Whereas the Executive Engineer, Project Division, Kollam recommended that the period of completion of the said works be extended up to ... 06.09.2023 with/without imposing fine/Liquidated Damage.

Whereas the Superintending Engineer, P.H.Circle, KWA, Kollam has agreed to grant extension of the period for completion of the said works under the principal agreement up to .. 07.07.2023 with/without imposing fine/Liquidated Damage.

Whereas the contractor could not complete the said works within the extended period.

Whereas the contractor requested the Superintending Engineer, P.H.Circle, KWA, Kollam that the period of completion of the said works be extended up to ... 06.10.1.2024

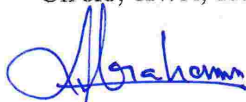
Whereas the Executive Engineer, Division, recommended that the period of completion of the said works be extended up to with/without imposing fine/Liquidated Damage. Vide Proceedings No. KWA/PHC/QE/5633/2023 dtd 11-10-2023

Whereas the Superintending Engineer, P.H.Circle, Kerala Water Authority, Kollam has agreed to grant extension of the period for completion of the said works under the principal agreement, up to 17.10.1.2024 with/without imposing fine/Liquidated as per section

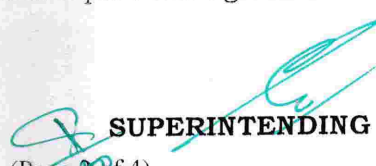
2112-1 of PWD manual, Damage vide proceedings No. KWA/PHC/QIDB-2/4453/2020-21 dated: 26.10.2023.. of the Superintending Engineer, P.H Circle, KWA, Kollam and the parties hereto have agreed that the said extension should be secured by a supplementary agreement modifying the said period specified in the Principal Agreement.

AND WHEREAS the Authority have agreed to allow extending of time for the completion of the said work subject to the terms and conditions hereinafter appearing.

1. The Clause 4 of the Principal Agreement shall be read and construed for the words within 24.. months as by the words 36...months and 10... days substituted.
2. The Contractor has no claim for escalation of rates on account of this extension.
3. The proceedings No. KWA/PHC/QIDB-2/4453/2020-21 dated: 26.10.2023..... of the Superintending Engineer, P.H Circle, KWA, Kollam is also a part this agreement.



CONTRACTOR



SUPERINTENDING ENGINEER

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In witness whereof, the Contractor Sri. M/S. J.B.B. Engineering & Construction Company, Kuttan, Thiruvalla Pin:
and the Superintending Engineer, P.H.Circle, Kerala Water Authority,
Kollam for and on behalf of the Kerala Water Authority have hereunto set
their hand the day, month and year first above written.

Signed by

Sri.

Contractor

In the presence of witness:

1. Sri. Dhanya M. Dhan
2. Sri.

Signed by Sri. Sabeen A. Rahim

Superintending Engineer, P.H.Circle, Kollam and on behalf of the Kerala
Water Authority.

**SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY,
PUBLIC HEALTH CIRCLE,
KOLLAM**

In the presence of witness:

1. Sri. Dhanya M. Dhan
2. Sri. Manju J. Nani, P.A. to SE

CONTRACTOR

SUPERINTENDING ENGINEER

PROCEEDINGS OF THE SUPERINTENDING ENGINEER, P.H.CIRCLE, KWA, KOLLAM

PRESENT : Sabeer.A.Rahim

Sub:- Jal Jeevan Mission- Providing functional house hold tap connection, distribution system, construction of 60,000 L capacity service reservoir cum BPT at Thanithadam and laying 200mm DI K9 (1169m) clear water transmission main from Cheyodu GLSR to BPT Thanithadam at Vilakkudi Panchayath in Kollam District- Extension of time of completion(2nd)-orders issued-reg.

No: KWA/PHC/Q/DB-2/4453/2020 -21

Dated: 26.10.2023

- Read:-
1. Agreement No.27/2020-21/SE/Q dated 08.01.2021
 - 2.This office proceedings of even No. dated 10.3.2023.
 - 3.Letter No.JBEC/27/2020-21 dated 15.6.2023 of M/s.J&B Engineering & construction Company
 - 4.Letter No.JBEC/27/2020-21 dated 21.6.2023 & 22.6.2023 of M/s.J&B Engineering & construction Company
 - 5.Letter No.KWA/PDK/DB2/40/2021 dated 11.7.2023 & 20.7.2023 of Executive Engineer,Project Division,Kollam
 - 6.This office letter of even No. dated 25.7.2023 addressed to M/s J & B Engineering and Construction Company
 - 7.Letter No.JBEC/27/2020-21 dated 1.8.2023 of M/s.J&B Engineering & construction Company
 - 8.Judgement of Hon'ble High Court of Kerala dated 14/08/2023 in WP(C) No.26710/2023 filed by J & B Engineering and Construction Company before the Hon'ble High Court of Kerala
 - 9.Hearing conducted on 25/09/2023 at 3 pm
 - 10.This office proceedings No. KWA/PHC/Q/E1/5633/20223 dated 11.10.2023
 11. Lr no KWA/PDK/DB2/40/2021 (PART I) Dt 18/10/2023 of the EE Project Dn Kollam

The subject work was awarded to M/s. J&B Engineering & Construction Company, Kuttoor, Thiruvalla, Pthanamthitta and accordingly agreement was executed vide read (1). As per the agreement, the time of completion of the work was 24 months from the date of agreement i.e. up to 07/01/2023. As the contractor failed to complete the work within the stipulated time, the time of completion of the work was extended vide read(2) up to 07.07.2023 based on the request by the contractor and considering the recommendation of the Executive Engineer, Project Division, Kollam. Even though the original completion period and 6 months extended period was completed, the contractor could complete only 34% of the work and again requested for the extension of time of completion of the work vide read(3) for six more months. Considering the poor progress, inordinate delay and the willful lapse from the part of contractor in completing the work, final notice was issued by the undersigned vide read.6 to terminate the contract for the subject work executed with M/s J & B Engineering and Construction Company and to rearrange the balance work at risk and cost of the contractor . In response to this office notice, the contractor requested vide read.7 to release their pending bills and to either extend time to complete the work or to relieve them from completing the work without risk and cost . Meanwhile, the Contractor also filed a Writ Petition No. 26710/2023 before the Hon'ble High Court of Kerala pleading to pass an order directing KWA to stay all further



proceedings pursuant to the final notice for termination of the contract with them.

As per the judgment issued by the Hon'ble High Court of Kerala, vide read.8, it has been directed to consider and pass appropriate orders on Exhibits P7 and P11 after giving an opportunity of hearing the petitioner, as expeditiously as possible at any rate within a period of one month from the date of receipt of the certified copy of the judgment. It is also directed that till final orders are passed, coercive steps against the petitioner shall be deferred. Accordingly, a hearing was conducted on 25/09/2023 with M/s. J & B Engineering in which they pointed out about various hurdles they faces in completing the work including releasing the pending bill payments, pendency of road cutting sanctions from various road agencies, non availability of beneficiary list for providing house connections, non availability of locations for laying pipelines etc. Also, the contractor assured in the hearing that if the time of completion is extended by another 6 months, all the remaining works will be completed as per the contract.

After hearing the contractor, considering the reports of officers in charge of the work and examining the relevant office records it was found that the non completion of the work within the agreed completion period was mainly due to the failure on the part of the contractor to mobilize adequate materials, men and machinery at site. However, the contractor's assurance of completing the work as per the contract if the time of completion is extended by six more months is to be considered by taking into account the delay that may occur in rearranging the work and considering that this delay will affect the commissioning of works in Melilla and Vettikkavala Panchayaths also, which are part of the common water supply scheme. Thus it is decided to extend the time of completion of the work further by 3 months from 18/10/23 on condition that the contractor should complete all the works within that time as per the list furnished by the Executive Engineer Project Division Kollam vide read (11) and also by imposing a fine as per section 2112.1 of PWD Manual. If the progress made by the contractor during this period is found satisfactory, further extension of completion period by 3 more months will be considered. In the event of breach of these conditions, the contract of work will be terminated and re arranged at the risk and cost of the Contractor.

In this circumstances, considering all the above facts pertaining to the subject work, the importance of early commissioning of the project and based on the decision vide read.10, the time of completion is hereby extended up to 17/01/2024 by imposing a fine as per section 2112.1 of PWD Manual.

The extension of time of completion order is subject to the condition that the contractor will accept the same rates agreed for the principal agreement for all the works and shall take at most care to complete the work within the extended time of completion. Contractor shall execute necessary supplementary agreement in this regard and the prioritized list of works to be completed in the next three months vide read 11 shall be part of the supplementary agreement

Sd/-

Sabeer A Rahim
Superintending Engineer

To

The Executive Engineer



Project Division, Kollam
Copy To
M/s.J&B Construction Company, Kuttoor, Thiruvalla, Pthanamthitta

Superintending Engineer

Draft #14 of File KWA/PHC/Q/DB-2/4453/2020 -21 Approved by Superintending Engineer on 26-Oct-2023 09:52 PM - Page 3



The document is digitally approved. Hence signature is not needed.