

**KARNATAKA LOKAYUKTA**

**No.Compt/Uplok/BD-4411/2015/DRE-1** Multi Storied Buildings,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date : 24/1/2020

**REPORT UNDER SECTION 12(3) OF  
THE KARNATAKA LOKAYUKTA ACT, 1984**

Sub:- Proceedings against;

- 1) Sri.R.K.Krishna Murthy, Executive Engineer, Slum Development Board, Davangere,
- 2) Sri.B.Chandrappa, Assistant Engineer and Assistant Executive Engineer, Slum Development Board, Davangere Sub-Division,
- 3) Sri.S.L.Anandappa, Assistant Engineer, Slum Development Board, Davangere,
- 4) Sri.B.C.Veeresh Babu, Assistant Engineer, Slum Development Board, Davangere Sub-Division,
- 5) Smt.B.N.Jyothi, Assistant Engineer, Slum Development Board, Davangere Sub-Division,
- 6) Sri.S.D.Patil, Assistant Engineer, Slum Development Board, Davangere Sub-Division,
- 7) Sri.N.Hanumanthachar, Assistant Executive Engineer, Slum Development Board, Davangere/Bellary Sub-Division, (retired)
- 8) Sri.Mahendra, Assistant Executive Engineer, Slum Development Board, Davangere Sub-Division, (retired)
- 9) Sri.G.Krishna Reddy, Assistant Executive Engineer, Slum Development Board, Bellary Sub-Division,
- 10) Sri.P.Madhukar, Assistant Executive Engineer, Slum Development Board, Davangere Sub-Division,
- 11) Sri.L.A.Shanmukhappa, Assistant Engineer, Slum Development Board, Chitradurga Sub-Division, and
- 12) Sri.H.G.Krishnamurthy, Accounts Superintendent, (retired), Slum Development Board, Davangere Sub-Division, Davangere.

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1. On the basis of the complaint filed by Sri.H.Duggappa, KPCC Member, No.430, Nijalingappa Layout, Opp.to Sri.Bakkeshwara Kalyana Mantap, Near Ring Road Circle, Davangere, against (1) Sri.R.K.Krishna Murthy, Executive Engineer, Slum Development Board, Davangere, (2) Sri.B.Chandrappa, Assistant Engineer and Assistant Executive Engineer, Slum Development Board, Davangere Sub-Division, (3) Sri.S.L.Anandappa, Assistant Engineer, Slum Development Board, Davangere, (4) Sri.B.C.Veeresh Babu, Assistant Engineer, Slum Development Board, Davangere Sub-Division, (5) Smt.B.N.Jyothi, Assistant Engineer, Slum Development Board, Davangere Sub-Division, (6) Sri.S.D.Patil, Assistant Engineer, Slum Development Board, Davangere Sub-Division, (7) Sri.N.Hanumanthachar, Assistant Executive Engineer, Slum Development Board, Davangere/Bellary Sub-Division, (retired), (8) Sri.Mahendra, Assistant Executive Engineer, Slum Development Board, Davangere Sub-Division, (retired), (9) Sri.G.Krishna Reddy, Assistant Executive Engineer, Slum Development Board, Bellary Sub-Division, (10) Sri.P.Madhukar, Assistant Executive Engineer, Slum Development Board, Davangere Sub-Division, (11) Sri.L.A.Shanmukhappa, Assistant Engineer, Slum Development Board, Chitradurga Sub-Division, and (12) Sri.H.G.Krishnamurthy, Accounts Superintendent, (retired), Slum Development Board, Davangere Sub-Division, Davangere, investigation is taken up under Sec.9 of Karnataka Lokayukta Act.
2. The allegations made in the complaint are that, the respondent who was the Executive Engineer in Karnataka Slum Development Board, Davangere Sub-Division colluding with the Assistant Executive Engineer Sri.Barikar Chandrappa and Sri.V.Gurumallappa, a Contractor of Bellary has misappropriated

an amount of Rs.58,56,124/- which was released towards execution of various civil works to be executed in 8 slum areas each of Davangere and Chitradurga and 3 slum areas of Bellary. It is alleged that even the minor works and repairs carried out by the respondent are substandard and for those substandard works he has got prepared bogus bills and issued cheques by receiving bribe. Along with the complaint a paper publication of 'ಅವಾಂತರ' is produced.

3. The respondent has filed comments denying all the allegations made against him. He has further stated that he worked as Executive Engineer, Karnataka Slum Development Board, Davangere Sub-Division from 21/2/2011. He has further contended that all the works executed by him are in accordance with KTPP Rules. He has also produced the list of works executed from 2010-11 to 2013-14. He has produced C.T.Cs. for having taken charge of the Executive Engineer, Karnataka Slum Development Board, Davangere Division on 22/2/2011 and for having handed over the charge on 7/7/2015. Computer printout of tenders under e-procurement, issue of notice to proceed with the work, agreement have also been produced.
4. The complaint had been registered only against Sri.R.K.Krishnamurthy, the Executive Engineer, KSDB, Davangere. Hence the officer incharge of the work, the sub-divisional officer and the Account Superintendents who are also responsible towards execution of work and passing of bills have been impleaded subsequently.
5. Among the impleaded respondent No.2 to 12, Sri.S.D.Patil, was the officer incharge of the work and also the sub-divisional officer relating to item No.1, 2, 5 to 23, 25, 27 to 32, 44, 46 to 48. Sri.N.Mahadevaiah, Accounts Superintendent has affixed his

- signature to the contract certificates of the above works. Items at Sl.No.3 and 4 have been executed by Sri.L.A.Shanmukappa, AE, Sri.S.D.Patil, AEE, Sri.R.K.Krishnamurthy, EE and Sri.N.Mahadevaiah, Accounts Superintendent, Sri.S.D.Patil as officer incharge of the work and sub-divisional officer, Sri.R.K.Krishnamurthy as Executive Engineer and Sri.H.G.Krishnamurthy as Accounts Superintendent have executed the works and passed the bills cited at Sl.No.24, 26, 33 to 43, 45, 49 to 51. Sri.B.Chandrappa, Assistant Engineer, Sri.S.D.Patil, AEE, Sri.R.K.Krishnamurthy, EE and Sri.H.G.Krishnamurthy, Accounts Superintendent have affixed their signatures to CC with first, second and third part bills. Sri.S.D.Patil, as AEE, Sri.R.K.Krishnamurthy as EE and Sri.H.G.Krishnamurthy, Accounts Superintendent have affixed their signature of RA first and second bill of item No.53.
6. The respondent No.2 Sri.B.Chandrappa, Respondent No.4 Sri.B.C.Veereshbabu, and respondent No.6 Sri.S.D.Patil in their comments have denied the complaint allegations and has relied upon the enquiry report submitted by Sri.H.N.Jayakumar, Technical Wing, KLA, Bangalore,
  7. The respondent No.11 Sri.L.A.Shanmukhappa in his comments has denied the complaint allegations contending that, the works have been executed as per law. He has produced the photographs relating to the work No.3 and 4.
  8. The respondent No.12, Sri.H.G.Krishnamurthy in his comments has contended that after the check measurement by the Assistant Executive Engineer the bills shall be forwarded to the Commissioner, KSDB, Bangalore for approval and as per the orders of the Commissioner payment shall be made with respect to approved bills. He has denied the allegations regarding financial irregularities.

9. Sri.N.Mahadevaiah, another Accounts Superintendent has been reported dead and his death certificate has been produced.
10. The Chief Engineer, Technical Wing, KLA, has produced the documents relating to following works undertaken in Chitradurga District during the tenure of respondent as Executive Engineer, KSDB, Davangere Division. The said documents have been scrutinized and following observations have been made:

**I. Providing basic amenities to (CC Road) to Gopalpura Slum in Hiriyur Town.**

- a) The copies of check list, completion report, technical report, CC with first and final bill, comparative statement, royalty statement, photos, work order, tender agreement, report accompanying the tender paper, tender notification, estimate page No.110-112 of M.B.have been produced.
- b) From the above documents it is seen that work order No. is 314/2011-12 dt.29/10/11. Date of commencement is 2/11/11 and date of completion is 20/11/11.
- c) As per the completion report, the officers who are responsible towards execution of the above work are Sri.S.D.Patil, officer incharge of the work and AEE, KSDB Sub-Division, Tumkur, Sri.R.K.Krishnamurthy, EE, KSDB, Davangere Division and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) Estimated cost is Rs.7.47 lakhs, entrusted amount is 7,47,128/-, the first and final bill amount is 7,47,335/-, adjusted amount is Rs.91,667/- and cheque amount is 6,54,668/-. 1% of IT has been deducted. Cheque date is 14/12/11.
- e) In contract certificate, the dates of recording and dates of check measurement have been written as 2/11/11, 8/11/11/, 11/11/11 and 29/11/11. However, in the check list neither the dates of recording nor the dates of check measurement have been mentioned. This creates doubt. This suspicion further gets fortified from the recordings found from page No.110 to 112 of M.B. Infact M.B.number is not found. Though

in contract certificate M.B.number is shown as 1827. Printed Page Nos.102, 103 and 104 have been struck off and hand written as 110, 111 and 112 respectively. Further date of measurement is written as 29/11/11 in page No.110. S.B.R.No. and date are written as 71/2011-12 dt.29/11/11.

- f) In estimate separate measurements have been specified. But in page No.110 and 111 of M.B., measurement relating to item No.1 to 5 have not at all been recorded. It is written as same M.B. page No.107 and 108. However, page No.107 and 108 have not been produced. As per contract certificate and check list, measurements have been recorded in page No.110 to 112 of M.B.1827. Therefore, there arises doubt regarding the recording made in the M.B. As regards item No.8 the total quantity as specified in estimate is 150.00 Rmtr. But in page No.112 of M.B. total quantity is shown as 144.00 Rmtr. Therefore, it can be opined that the work has not been made out to be executed as per estimate. The date of recording as per M.B. is 29/11/11. There is no entry in M.B. that measurements were either recorded or check measured on 2/11/11, 8/11/11 and 11/11/11 as written in contract certificate. Infact even in check list there is no mention of date of recording and dates of check measurement. As per M.B.date of completion is 20/11/11, date of recording and date of check measurement is 29/11/11. Hence, it becomes clear that there is no stage wise verification of work and the recordings have been made in M.B. at a stretch on 29/11/11 just for preparing the bill as could be gathered from SBR No.71/11-12 with date 29/11/11. No quality inspection report is produced. Hence, from the above discrepancies and irregularities it can be opined that the allegation of the complainant is substantiated.

## **II. Providing P.B.A CC Road in Ranganathanagara Slum at Hiriyyuru Town.**

- a) The copies of check list, completion report, technical report, CC first and final bill, photos, comparative statement, royalty statement, work order, tender agreement, schedule-B, report

- accompanying tender papers, tender notification, estimate, page No.113 to 115 of M.B. are produced.
- b) As per the above documents estimated cost is 7.47 lakhs. The entrusted amount is Rs.7,47,128/-. The work order No. is 313/2011-12 dt.29/10/11. Date of commencement is 2/11/11, date of site handed over is 1/2/12, and date of completion is 20/11/11. In M.B.at page No.113 date of mark out is written as 2/11/11 and date of completion as 20/11/11. Therefore, there are discrepancies as regards the actual date of commencement of work. As per work order the date of commencement is the date of handing over site and stipulated date of completion was three months from the date of handing over site. But as per completion report the date of site handed over is 1/2/12 and date of completion is prior to the date of site handed over i.e., 20/11/11.
- c) As per first and final bill the total amount is Rs.7,46,519/-, adjusted amount is Rs.91,690/-, and cheque amount is Rs.6,54,829/-, cheque date is 14/12/11. Dates of recording and dates of check measurement have been written as 11/11/11, 12/11/11 and 29/11/11. It is stated that measurements have been recorded in page No.105 to 115 of M.B.No.1827. But in check list page numbers have been written as 113 to 115. In M.B. printed page No.105, 106, 107 and 108 have been struck off and hand written as 113, 114, 115 and 116. In M.B. relating to item No.1 to 5 it is written as same M.B. page No.108 and 109. Page No.108 and 109 have not been produced. Therefore there arises doubt as regards the verification and recording of measurements, of item No.1 to 5. Detailed measurements of item No.1 to 5 as per estimate have not been recorded in M.B. Infact M.B.Number is not found in any of the above page Nos.113 to 115.
- d) The officers responsible for execution of the above work are Sri.S.D.Patil officer incharge of the work and AEE, KSDB Sub-Division, Tumkur, Sri.R.K.Krishnamurthy, KSDB, Davangere, and Sri.N.Mahadevaiah, Accounts Superintendent.
- e) In estimate total quantity of item No.8 is specified as 150.00 Rmtr. But in page No.150 the total quantity is shown as

149.00 Rmtr. Item No.6 and 7 of the estimate specified total length as 150.00 mtr, but in M.B. the measurement of length are shown as 15.0 and 130.0. Therefore, the measurements recorded in page No.114 and 115 are also not as specified in estimate.

- f) As per M.B. only date of recording is mentioned as 29/11/11. Therefore, there is no prima facie evidence to show that stage wise verification and recording have been made even earlier to 29/11/11. This is fortified from the fact that in the check list there is no mention of either the dates of recording or the dates of check measurement. As per M.B and contract certificate SBR date is 29/11/11. Therefore, it can be opined that the entire recordings in page No.113 to 116 of M.B. have been written on a single day just to pass the bill. No quality inspection report is produced. Therefore there are materials to substantiate the allegation of the complainant.

**III. Providing infrastructure works at Nanjiahna Kottige slum at Hiriyr Town under IHSDP (providing water supply and sanitary system work to samudaya bhavana)**

- a) The copies of check list, technical report, completion report, CC with first and final bill, measurement sheet, comparative statement, photos, work order, tender agreement, schedule-B, report accompanying tender papers, contractors' pass book, estimate have been produced.
- b) As per the above documents work order No., is 99/2011-12 dt.20/5/11. Due date of commencement is the date of handing over site and due date of completion is 3 months from the date of handing over site. In completion report, date of commencement and site handed over is shown as 23/5/11, and date of completion as 27/6/11.
- c) As per completion report the officers who have executed the work and passed the bill are Sri.N.A.Shanmukappa, officer incharge of the work/AE, Sri.S.D.Patil, AEE, Sri.R.K.Krishna Murthy, EE, Sri.N.Mahadevaiah, Accounts Superintendent.
- d) Estimated cost is Rs.1.47 lakhs. Entrusted amount is 1,46,950/-. The first and final bill amount is Rs.1,46,950/-,



1% of IT has been deducted. Adjusted amount is Rs.16,181/-, cheque amount is Rs.1,30,769/-. Cheque date is 3/3/12.

- e) In contract certificate the date of measurement which was written as 3/2/2011 has been changed as 27/6/11. The date of check measurement is written as 1/7/11. M.B. is not produced. In check list the date of recording measurement is written as 27/6/11, but the date of check measurement has not been written. Considering the nature of work and quantum of work it seems highly improbable that on a single day the entire work has been verified and measurements have been recorded. It also becomes clear that there is no stage wise verification of the work.
- f) Though estimate is produced, M.B. is not produced. In contract certificate it is stated that measurements have been recorded in page No.28-33 of M.B.No.2838. The said M.B. has not been produced. A measurement sheet has been produced. But even as per KPWD Code it cannot substitute measurement book. Therefore in the absence of production of M.B., it cannot be said that work has been executed as specified in the estimate. No quality inspection report is produced. The photographs are not clearly visible. Therefore, there are materials to substantiate the allegation of the complainant.

**IV . Providing infrastructure works at Nanjaiahana Kottige Slum at Hirihuru Town under IHSDP (providing electrical work to Samudaya Bhavana)**

- a) Copies of check list, completion report, technical report, CC with first and final bill, measurement sheet, comparative statement, photos, work order, schedule-B, tender agreement, tender notification, report accompanying tender papers, electrical estimate have been produced.
- b) Work order No., is 90/2011-12 dt.20/5/11. Due dates of commencement and completion are the date of handing over site and 3 months from the date of handing over site.
- c) As per completion report, estimated cost is Rs.3 lakhs, entrusted amount is Rs.1,85,931/-. Date of commencement is 23/5/11 and date of completion are 30/6/11. The officers who

were responsible for execution of work and passing of bill are Sri.N.A.Shanmukappa, AE, Sri.S.D.Patil, AEE, and Sri.R.K.Krishnamurthy, EE, Sri.N.Mahadevaiah is the Accounts Superintendent who was signed in contract certificate.

- d) As per contract certificate, the first and final bill amount is Rs.1,85,928/-. I.T of 1% is deducted. Adjusted amount is Rs.20,470/-, cheque amount is Rs.1,65,458/- and cheque date is 3/3/12.
- e) As per contract certificate date of recording measurement is 30/6/11 and date of check measurement is 1/7/11. It is stated that measurements have been recorded in page No.35-41 of M.B.No.2838. However, M.B. is not produced. A measurement sheet has been produced which cannot substitute the M.B. as per KPWD Code. Unless M.B is produced it cannot be concluded that the work has been executed as per estimate. The measurements shown in measurement sheet are nothing but reiteration of estimate. Even according to contract certificate measurements have been recorded on a single day. Considering the quantum of work and the nature of work it is quite impossible that on a single day the entire work could be verified and measurement recorded. It also becomes clear that there is no stage wise verification of the work. Quality inspection report has not been produced. Therefore, there are materials to substantiate the allegation of the complainant.

**V. Construction of CC road and C.D.works at Bhovi Colony Slum in Molakalmuru Town.**

- a) The copies of contract certificate first and final bill, check list, completion report, technical report, comparative statement, royalty statement, photos, test reports, work order, tender agreement, schedule-B, report accompanying tender papers, estimate, page No.75-77 of M.B are produced.
- b) As per the above documents work order is 540/2012-13 dt.27/11/12. Estimated cost is Rs.5 lakhs, entrusted amount is 4,90,685/-,

- c) As per completion report date of commencement is 29/11/12, date of completion is 23/12/12. The officers who have executed the work and passed the bill as per completion report and contract certificate are Sri.S.D.Patil, AE and AEE, Sri.R.K.Krishnamurthy, EE and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per first and final bill, the total amount is Rs.4,76,776/-, 1% of I.T has been deducted, adjusted amount is Rs.57,626/-, cheque amount is Rs.4,19,150/- and cheque date is 27/12/12.
- e) As per check list and contract certificate measurements have been recorded in page No.106-109 of M.B.No.2361, but page No.75 to 77 of measurement book has been produced without mentioning the M.B.number. In the said page No.75 work order number is written as 1159/2013-14 dt.5/3/14. Date of completion is shown as 28/4/14 and date of recording as 3/5/11. Therefore the said pages of measurement book do not pertain to the present work.
- f) In contract certificate the dates of recording and check measurement have been written as 29/11/12, 1/12/12 and 7/12/12. But in check list the date of recording measurement is written as 30/11/12 and date of check measurement as 2/12/12. Therefore, the entries in contract certificate and check list do not tally with each other. M.B. is not produced. In check list work order number is mentioned as 540 dt.27/11/12, but in contract certificate work order number is mentioned as 504/2012-13. Therefore there are variations in between the documents which create doubt regarding the very genuineness of the documents and execution of the work as per estimate. The photos are not clearly visible. Test reports on CC cubes have been produced. In both the test reports date of testing is mentioned as 7/12/12 and date of issuing the said reports is mentioned as 30/11/12. Infact as per completion report the work had been completed on 3/12/12 itself. Therefore, the test reports have been obtained subsequent to completion of the work. No quality inspection report is produced. In RA first and final bill the quantity of item No.1 to 5 have been altered. They do not even tally with the estimate

produced. Even in the estimate the quantity and measurements have been changed without signature of the officer who has effected the changes. Therefore, from the above discrepancies it can be opined that there are sufficient materials to substantiate the allegation of the complainant.

**VI. Providing basic amenities (CC road, water supply and culverts) at Jogimaddi Slum in Chitradurga City.**

- a) The copies of completion report, check list, technical report, contract certificate first and final bill, measurement sheet, royalty statement, comparative statement, test reports, photos, report accompanying tender papers, face sheet of estimate, tender notification, work order, tender agreement, schedule-B, page No.99 and 100 of M.B have been produced.
- b) As per the above documents work order is 831/2012-13 dt.20/2/13. Tender agreement is dt.20/2/13,
- c) As per completion report, date of commencement is 22/2/13 and date of completion is 20/3/13. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per contract certificate and check list, the measurements have been recorded in page No.99 to 100 of M.B.No.2362. In check list the date of recording measurement is written as 22/3/13. Date of check measurement has been left blank. In contract certificate the dates of recording and the dates of check measurement are written as 23/2/13, 26/2/13, 28/2/13 and 23/3/13. Page No.99-100 of M.B., have been produced. There is no mention of M.B.book number. In page No.99 only the name of the work, authority, agency, date of commencement, date of measurement and date of completion have been mentioned. In page No.100, abstract and bill details have been mentioned. Therefore, the measurements of each item of work as shown in RA first and final bill and as could have been specified in estimate have not been recorded in M.B. Infact estimate itself is not produced. A measurement sheet has been produced. As per appendix-VII of KPWD Code Vol.II

point No.5(i) measurement books should invariably accompany the bills and accounts to which they refer and in no case should measurement sheets or extracts from measurement books be accepted as a substitute for the book itself. Further as per 5(ii) all measurement of works or materials should be recorded in the authorized measurement books in Form No.PWG 27 at once and on the spot. Therefore, the non production of M.B. and mere production of printed measurement sheet creates doubt regarding verification of measurements stage wise at the spot and recording of measurements at the spot. As stated above there are discrepancies in between the contract certificate and check list regarding the actual date of recording measurement and check measurement.

- e) Estimated cost is Rs.24.98 lakhs, entrusted amount is Rs.24,92,465/- as per work order. As per completion report estimated cost is Rs.24.92 lakhs and total bill cost is Rs.24,91,264.91. The first and final bill amount is Rs.24,91,298/-. Adjusted amount is Rs.3,48,793/-. Cheque amount is Rs.21,42,505/-. Only 1% I.T. is deducted. Cheque date is 9/4/13.
- f) Quality inspection report is not produced. Test reports of coarse aggregate, fine aggregate, cement and cement cubes have been produced. They do not bear the dates on which they have been issued. Except in report on cube strength CC test, in other reports the date of testing has not been specifically mentioned. In the report on cube strength CC test, date of testing is mentioned as 5/3/13. According to the completion report, the work itself was completed on 20/3/13. Therefore, from the non production of estimate, M.B.book, quality inspection report and discrepancies in between the documents regarding the dates of recording and dates of check measurement, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**VII. Providing basic amenities (CC road, water supply and culverts) at Jatpat Nagara Slum in Chitradurga City.**

- a) The copies of check list, completion report, technical report, contract certificate with first and final bill, measurement sheet, comparative statement, royalty statement, test reports, photos, work order, tender agreement, schedule-B, page No.99 and 100 of M.B.No.2248, have been produced.
- b) As per the above documents work order is 834/2012-13 dt.20/2/13. Tender agreement is dt.20/2/13,
- a) As per completion report, date of commencement is 22/2/13 and date of completion is 20/3/13. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- b) In check list the date of recording measurement has not been mentioned. But dates of check measurements are mentioned as 22/2/13, 26/2/13, 28/2/13 and 22/3/13. In contract certificate the dates of recording measurement are written as 23/2/13, 26/2/13, 28/2/13 and 22/3/13. The dates of check measurement are written as 23/2/13, 26/2/13, 28/2/13 and 23/3/13. It is stated that the measurements have been recorded in page No.99-100 of M.B.No.2284. The said page No.99-100 have been produced. M.B.number has been written as 2248. In check list M.B.number is mentioned as 2848 and page numbers as 102-106. In page No.99 the name of the work is written as 'Providing basic amenities (CC road, water supply and culverts) at Jatpat Nagara Slum in Chitradurga City'. Date of commencement and date of completion are written as 22/2/13 and 20/3/13. Dates of measurement are written as 23/2/13, 26/2/13, 28/2/13 and 22/3/13. Date of final measurement is written as 23/3/13. Abstract is entered in page No.99. In page No.100 bill details have been mentioned. Therefore, there are no recording of measurements in measurement book as stated in contract certificate. Therefore there is no question of verifying as to whether the measurements have been recorded and check measured as stated in contract certificate. Infact estimate itself is not produced. A measurement sheet has been produced. As per appendix-VII of KPWD Code Vol.II point No.5(i) measurement

books should invariably accompany the bills and accounts to which they refer and in no case should measurement sheets or extracts from measurement books be accepted as a substitute for the book itself. Further as per 5(ii) all measurement of works or materials should be recorded in the authorized measurement books in Form No.PWG 27 at once and on the spot. Even estimate is not produced. In the absence of estimate and measurement book it cannot be concluded merely on the basis of first and final bill and a measurement sheet that work has been executed as per estimate by following KPWD Code.

- c) Estimated cost is Rs.24.97 lakhs. Entrusted amount is Rs.24,93,788/-. The first and final bill amount is Rs.24,90,467/-. Adjusted amount is Rs.3,40,050/-. Cheque amount is Rs.21,50,417/-. Only 1% I.T. is deducted. Cheque date is 9/4/13.
- d) Even quality inspection report is not produced. Test reports of coarse aggregate, fine aggregate, cement and cement cubes have been produced. They do not bear the dates on which they have been issued. Except in the report on cube strength CC test in other reports the date of testing has not been specifically mentioned. In the report on cube strength CC test date of testing is mentioned as 6/3/13. According to the completion report the work itself was completed on 20/3/13. Copies of photos are not clearly visible. Therefore, from the non production of estimate, M.B.book, quality inspection report and discrepancies in between the documents regarding the dates of recording and dates of check measurement, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**VIII. Providing basic amenities (CC road, water supply and culverts) at Azaad Nagara Slum in Chitradurga City.**

- a) The copies of check list, completion report, technical report, contract certificate with first and final bill, comparative statement, royalty statement, test reports, photos, work order, tender agreement, schedule-B, report accompanying tender papers, estimate, tender notification, have been produced.

- b) As per the above documents work order is 839/2012-13 dt.20/2/13. Tender agreement is dt.20/2/13,
- c) As per completion report, date of commencement is 23/2/13 and date of completion is 26/2/13. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In check list, the date of recording measurement and date of check measurement have been mentioned as 2/3/13. However measurement book number and page number have been left blank. In contract certificate the dates of recording measurement are written as 23/2/13, 24/2/13 and 22/3/13. The dates of check measurement are written as 23/2/13, 24/2/13, 26/3/13 and 22/3/13. The dates have been over written. It is stated that the measurement book number is 2524 and page numbers are 97-103. However, measurement book itself is not produced. Therefore, there arises serious doubt regarding the very recording of measurements and that too stage wise as per KPWD Code. In the absence of production of measurement book the mere production of estimate would not be sufficient to opine that the work has been executed as per estimate.
- e) Estimated cost is Rs.24.98 lakhs. Entrusted amount is Rs.24,93,236/-. The first and final bill amount is Rs.24,87,131/-. Adjusted amount is Rs.3,36,610/-. Cheque amount is Rs.21,50,521/-. Only 1% I.T. is deducted. Cheque date is 28/3/13. From the above discrepancies in recording of measurement and the cheque date there arises doubt as to whether documents have been just prepared for passing the bill. Further in RA first and final bill. The quantity and amount have been rounded off and rewritten. There are 'x' marks above several entries of quantity and amount.
- f) Even quality inspection report is not produced. Test reports of coarse aggregate, fine aggregate, cement and cement cubes have been produced. They do not bear the dates on which they have been issued. Except in the report on cube strength CC test, in other reports the date of testing has not been



specifically mentioned. In the report on cube strength CC test, date of testing is mentioned as 5/3/13. According to the completion report the work itself was completed on 26/2/13. Therefore, from contract certificate, completion certificate and above test report on CC cubes, it is seen that after the alleged date of completion, reports have been obtained and about one month after the completion, the measurements have allegedly been recorded.

- g) Copies of photos are not clearly visible. Therefore, from the non production of estimate, M.B.book, quality inspection report and discrepancies in between the documents regarding the dates of recording and dates of check measurement it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**IX. Providing basic amenities (CC road, water supply and culverts) at Barageri Bhovi Colony Slum in Chitradurga City.**

- a) The copies of check list, completion report, technical report, contract certificate with first and final bill, completion certificate, comparative statement, royalty statement, test reports, photos, work order, tender agreement, schedule-B, action plan, report accompanying tender papers, estimate, page No.98-104 of M.B.have been produced.
- b) As per the above documents work order No.837/2012-13 is dt.20/2/13. Tender agreement is dt.20/2/13.
- c) As per completion report, date of commencement is 22/2/13 and date of completion is 26/2/13. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In check list the date of recording measurement and date of check measurements are mentioned as 2/3/13, M.B.book No. and page number mentioned as 2524 in page No.97-103. In contract certificate the M.B.No. is written as 2523 and page numbers as 98-103. The dates of recording are mentioned as 23/2/13, 24/2/13, 26/2/13, 22/3/13. The dates of check measurement are written as 23/2/13, 24/2/13, 26/2/13 and

- 22/3/13. Page No.98-104 of M.B., have been produced. M.B.number is not found. In page No.98 name of work is mentioned as 'Providing basic amenities (CC road, water supply and culverts) at Barageri Bhovi Colony Slum in Chitradurga City'.
- e) Date of commencement and date of completion are mentioned as 22/2/13 and 26/2/13. Date of measurement is written as 2/3/13.
- f) There is signature of Executive Engineer with date as 2/3/13 in page No.100. In page No.103 there are signatures of S.D.Patil below the writing 'recorded by me' and 'measurement checked and found correct'. However the date has not been written. The cheque date is 28/3/13. Therefore, as per M.B. the entire measurements have been recorded and check measured on a single day and cheque has been issued on 28/3/13. Considering the quantum of work and the nature of work it is to be held improbable that on a single day entire measurements could have been verified and recorded. There is no stage wise verification of work. Further as regards the measurement of item No.1, 8, 4, 7, 9, 18, it is recorded that the quantity is same as recorded in page No.110 and 111 of same M.B. However the page No.110 and 111 have not been produced. Hence, the measurement book as produced do not corroborate the entries in contract certificate and do not substantiate that work has been executed as per estimate.
- h) Estimated cost is Rs.24.98 lakhs. Entrusted amount is Rs.24,93,422/-. The first and final bill amount is Rs.24,86,292/-. Adjusted amount is Rs.3,36,345/-. Cheque amount is Rs.21,49,947/-. Only 1% I.T. is deducted. Cheque date is 28/3/13. From the perusal of RA first and final bill, quantities and amounts at various places have been rounded off and hand written without the signature of the officer who has effected the said changes. From the comparative statement it can be made out that the quantities as per schedule-B and as per execution vary with each other relating to item No.1, 3, 5, 6, 8, 9, 10, 12, 13, and 18.

- i) Even quality inspection report is not produced. Test reports of coarse aggregate, fine aggregate, cement and cement cubes have been produced. They do not bear the dates on which they have been issued. Except in the report on cube strength CC test, in other reports the date of testing has not been specifically mentioned. In the report on cube strength CC test, date of testing is mentioned as 3/3/13. According to the completion report the work itself was completed on 26/2/13. Copies of photos are not clearly visible. Therefore, from the non production of estimate, M.B.book, quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**X. Construction of CC road work behind Society Godown Slum in Holalkere Town.**

- a) The copies of check list, completion report, technical report, contract certificate with first and final bill, completion certificate, comparative statement, royalty statement, photos, test reports, work order, tender agreement, schedule-B, report accompanying tender papers, estimate, have been produced.
- b) As per the above documents work order No.662/2012-13 is dt.3/1/13. Tender agreement is dt.3/1/13.
- c) As per completion report, date of commencement is 20/2/13 and date of completion is 31/3/13. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In check list, the date of recording measurement and date of check measurements are mentioned as 22/2/13 and 27/2/13, M.B.book No. and page number are mentioned as 3019 from page No.1-4. In contract certificate the dates of recording and dates of check measurement are written as 22/2/13, 27/2/13, 2/3/13 and 1/4/13. M.B. is not produced. Without production of M.B. the above entries in contract certificate and check list cannot be believed. Moreover there is variation in between the check list and contract certificate as regards the date of

recording measurement and date of check measurement. Estimate is produced. However, in the absence of production of M.B. it cannot be concluded that the work has been executed as per estimate. Further in RA first and final bill and also estimate several entries have been rounded off and hand written without signature of the concerned officer. There are 'x' marks in several places in first and final bill which create doubt about the genuineness of the entries made in first and final bill. Therefore, there arises doubt regarding the execution of work as per estimate.

- j) Estimated cost is Rs.20 lakhs. Entrusted amount is Rs.19,74,487/-. The first and final bill amount is Rs.19,73,497/-. Adjusted amount is Rs.2,51,611/-. Cheque amount is Rs.17,21,886/-. Only 1% I.T. is deducted. Cheque date is 16/4/13.
- k) Even quality inspection report is not produced. Test reports are dt.27/2/13 wherein date of testing is mentioned as 22/2/13, except in test report on concrete cubes. In the test report on CC cubes, date of testing is mentioned as 30/3/13. The date of completion itself is 31/3/13 as per completion report. Therefore those test reports cannot be attached any value so as to express opinion regarding the quality of work. Copies of photos are not clearly visible. Therefore, from the non production of M.B.book, quality inspection report and discrepancies in between the documents, as discussed above it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XI. Construction of CC road work at Gandhinagara Slum in Hosadurga Town.**

- a) The copies of check list, completion report, technical report, contract certificate with first and final bill, completion certificate, comparative statement, royalty statement, photos, test reports, work order, tender agreement, schedule-B, report accompanying tender papers, estimate, have been produced.
- b) As per the above documents work order No. is 663/2012-13 dt.3/1/13. Tender agreement is dt.3/1/13.

- c) As per completion report, date of commencement is 20/2/13 and date of completion is 31/3/13. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In check list the date of recording measurement and date of check measurements are mentioned as 22/2/13 and 27/2/13, M.B.book No. and page number are mentioned as 3019 from page No.4-8. In contract certificate the dates of recording and dates of check measurement are written as 22/2/13, 27/2/13, 2/3/13 and 1/4/13. M.B. is not produced. Without production of M.B. the above entries in contract certificate and check list cannot be believed. Moreover there is variation in between the check list and contract certificate as regards the date of recording measurement and date of check measurement. Estimate is produced. However, in the absence of production of M.B. it cannot be concluded that the work has been executed as per estimate. Further in RA first and final bill and also estimate several entries have been rounded off and hand written without signature of the concerned officer. There are 'x' marks in several places in first and final bill, which create doubt about the genuineness of the entries made in first and final bill. Therefore, there arises doubt regarding the execution of work as per estimate. As per comparative statement, the quantities as per actual execution is less than that specified in schedule-B relating to item No.5, 7, and 8.
- e) Estimated cost is Rs.5 lakhs. Entrusted amount is Rs.4,90,668/-. The first and final bill amount is Rs.4,85,287/-. Adjusted amount is Rs.62,023/-. Cheque amount is Rs.4,23,264/-. Only 1% I.T. is deducted. Cheque date is 16/4/13.
- f) Even quality inspection report is not produced. Test reports are dt.27/2/13 wherein date of testing is mentioned as 21/2/13, except in test report on concrete cubes. In the test report on CC cubes, date of testing is mentioned as 30/3/13. As per completion report date of completion is 31/3/13. Therefore those test reports cannot be attached any value so as to

express opinion regarding the quality of work. Copies of photos are not clearly visible. Therefore, from the non production of M.B.book, quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

## **XII. Construction of CC road work at Janatha Colony Slum in Challakere.**

- a) The copies of check list, completion report, technical report, contract certificate with first and final bill, completion certificate, comparative statement, royalty statement, photos, test report, photos, work order, tender agreement, schedule-B, report accompanying tender papers, estimate, page No.95-98 of M.B. have been produced.
- b) As per the above documents work order No., is 504/2012-13 dt.7/11/12. Tender agreement is dt.7/11/12.
- c) As per completion report, date of commencement is 9/11/12 and date of completion is 26/11/12. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In check list, the date of recording measurement is 24/11/12. Date of check measurement has not been written. In contract certificate the dates of recording and dates of check measurement are written as 21/11/12, 24/11/12, and 26/11/12, written in M.B.No.2248 in page No.95-98. In page No.97-98, the M.B.book number is not found. Dates of measurement have been written as 21/11, 24/11 and 26/11. However, only in page No.97, there is signature of EE with date 26/11/12. At the end there are signatures of AEE and AE below the writing 'recorded by me' and 'measurement checked by me'. The date is written as 26/11/12. Therefore, the entries in contract certificate and M.B. that measurement were verified and recorded on 21/11/12, 24/11/12 cannot be believed. Further in page No.96 relating to item No.1, 6, and 4 it is written as 'same M.B. P.No.102'. However page No.102 is not

- produced. Therefore, there is no material to show that the work relating to item No.1, 6 and 4, have been verified and measurements have been recorded. Considering the quantum of work and the nature of work it seems improbable that on a single day entire measurements can be verified and recorded.
- e) As per estimate the length, breadth and depth specified were 362.00, 4.00 and 0.30 M respectively. But in page No.97 different measurements of breadth have been recorded with respect to different stretches of road. Therefore, there are materials to probabalise the contention of the complainant that the work has not been executed as per estimate.
- f) Estimated cost is Rs.24.99 lakhs. Entrusted amount is Rs.24,90,680/-. The first and final bill amount is Rs.24,86,290/-. Adjusted amount is Rs.3,39,443/-. Cheque amount is Rs.21,46,847/-. Only 1% I.T. is deducted. Cheque date is 6/12/12.
- g) Even quality inspection report is not produced. Only test report on CC cubes dt.21/11/12 has been produced. The date of testing is mentioned as 21/11/12. As per completion report the work itself was completed is 26.11.12. Therefore much evidentiary value cannot be attached to the said test report so as to express opinion regarding the quality of work. Copies of photos are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents, as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

### **XIII. Construction of CC road work at Tamilians Colony Slum in Hiriyuru.**

- a) The copies of completion report, check list, technical report, contract certificate with first and final bill, comparative statement, test report, royalty statement, photos, tender notification, estimate, M.B.No.2520, have been produced.

- b) As per check, list work order No.107/2012-13 is dt.30/5/12. However work order and Tender agreement have not been produced.
- c) As per completion report, date of commencement and date of completion are 5/6/12 and 15/6/12 respectively. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per check list the date of recording measurement is 20/6/12. Date of check measurement is 21/6/12. M.B.No.2520 page No.112-114. In contract certificate the dates of recording measurement are written as 9/6/12, 10/6/12, 11/6/12, and 24/6/12. The dates of check measurement are written as 9/6/12, 10/6/12, 11/6/12 and 20/6/12 (however the date is not clearly legible). The measurement book number shown as 2648 page number printed as 98-99 has been struck off and written as 112 & 114. 3 pages of M.B.book extract have been produced. In first page neither there is page number nor M.B.number. However in the middle there is writing as 2520. In first page name of work is mentioned as 'PBA to (CC Road) at Tamilian Colony Slum in New Town'. Date of mark out and date of completion are written as 5/6/12 and 15/6/12. Date of measurement is written as 20/6/12. There is no signature of either the officer incharge of the work or sub-divisional officer in the first page. In page No.113 there is the signature with date as '20/6' of EE. On the right side portion of page No.113 the signatures of S.D.Patil with date 20/6/12 are found below the writings 'recorded by me' and 'measurement checked and found correct'. In page No.114 there is entry regarding abstract cheque details. Therefore, as per M.B.the date of recording is 20/6/12 and it has been check measured on 20.6.12. There is no endorsement for having recorded or check measured either on 9/6/12, 10/6/12 or 11/6/12. Considering the nature of work and quantum of work as specified in the estimate it seems improbable that on a single day entire measurement could be verified and recorded. There is no stage wise verification of the work.



- e) In the first page as regards item No.1, 2 and in page No.113 relating to item No.4 and 5, it is written as (same M.B. P.No.110, 111). Page No.110 and 111 have not been produced. According to contract certificate and check list the measurements have been recorded in page No.112 to 114. Therefore, as regards item No.1, 2, 4 and 5 the detailed measurements have not been recorded in the page No.112 to 114. Even in comparison of total quantities as specified estimate and as shown in the above pages of M.B., it is noticed that there are variations. In estimate the total quantities of item No.1 to 5 specified are 146.40, 97.60, 48.80, 97.60 and 146.40 cum respectively. But in M.B. the quantities are recorded as 145.65, 97.20, 48.53, 97.20, and 145.65 cum respectively. Further as regards item No.3, the detailed measurements have been recorded in page No.113. But in estimate the breadth of the entire length of road is specified as 4.00M. But in M.B. different measurements of breadth have been recorded with respect to different stretches of road. Therefore, there are materials to opine that the work has been executed as per estimate.
- f) As per completion report estimated cost is Rs.7.49 lakhs. Entrusted amount is Rs.7,26,616/-. The first and final bill amount is Rs.7,45,422/-. Adjusted amount is Rs.90,574/-. Cheque amount is Rs.6,54,848/-. Only 1% I.T. is deducted. Cheque date is 4/7/12.
- g) Even quality inspection report is not produced. Only test report on CC cubes is produced. Dates of testing has been erased and hand written as 20/6/12 and 21/6/12. From the bare perusal of the said report it can be observed that it is a tampered document. Copies of photos are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XIV. Construction of CC road work at Harijana A.K.Colony Slum in Hiriuru Town.**

- a) The copies of completion report, check list, technical report, contract certificate with first and final bill, comparative statement, royalty statement, tender notification, estimate, work order, tender agreement, schedule-B, page No.94-96 of M.B. have been produced.
- b) As per check list, work order No.106/2012-13 is dt.30/5/12. Tender agreement is undated.
- c) As per completion report, date of commencement and date of completion are 5/6/12 and 14/6/12 respectively. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per check list, the date of recording measurement is 20/6/12. Date of check measurement is 21/6/12. M.B.No.is 2520 and page No. is 64-96. In contract certificate, the dates of recording and date of check measurement have been printed as 20/6/12. However, the dates 7/6/12, 8/6/12, 9/6/12 and 20/6/12 are written on the right side above the signature of officer incharge of work. The measurement book number printed as 2520 and page numbers as 94-96.page No.94-96 has been produced wherein the number is written as 2520. In page No.94, the date of measurement is written as 20/6/12. There is no signature of the officer incharge of the work or sub-divisional officer for having recorded measurement or check measured the same either in the page No.94 or 95. Only in page No.96 at the end there are signatures of S.D.Patil with date 20/6/12 below the writing 'recorded by me' and 'measurement checked and found correct'. There is signature of EE with date 20/6 on the right side of page No.95 relating to measurements of item No.3. Therefore, even according to M.B, the date of recording and date of check measurement is 20/6/12 alone. There is no iota of evidence to show that measurements have been recorded on 7/6/12, 8/6/12, and 9/6/12 as written in contract certificate. Considering the nature of work and quantum of work it seems improbable that on a single day entire measurement could be verified and recorded. There is no stage wise verification of the work.

Further in page No.94 relating to item No.1 and in page No.95 relating to item No.2 and 4 and in page No.96 relating to item No.5 the detailed measurements have not been recorded and it is written as (same M.B. P.No.108, 109). Only with respect to item No.3 there is detailed recording of measurements. Further as per estimate the quantities of item No.1 to 5 specified are 146.40, 97.60, 48.80, 97.60 and 146.40 cum respectively. In page No.94 to 96 of M.B. the quantities are recorded as 146.40, 97.60, 49.08, 97.60, and 146.40 cum respectively. As regards item No.3 as per estimate, the length, breadth and depth are specified are 122.00, 4.00, and 0.10M respectively. But in page No.95 different measurements of breadth have been shown with respect to different stretches of road which is less than 4.00M. Therefore, there are materials to believe that the work has not been executed as per estimate.

- e) As per work order estimated cost is Rs.7.49 lakhs. Entrusted amount is Rs.7,48,934/-. The first and final bill amount is Rs.7,48,934/-. Adjusted amount is Rs.92,028/-. Cheque amount is Rs.6,56,906/-. Only 1% I.T. is deducted. Cheque date is 4/7/12. SBR No.is 18/12-13 dt.22/6/12. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- f) Even quality inspection report is not produced. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XV. Providing basic amenities to (CC road) Nayakare Keri (Gopalpura-2) Slum in Hiriyuru Town, Chiradurga.**

- a) The copies of completion report, check list, technical report, contract certificate with first and final bill, royalty statement, comparative statement, test reports, photos, work order, tender agreement, schedule-B, estimate, report accompanying tender papers, tender notification, page No.91-93 of M.B.No.2361 have been produced.

- b) As per check list, work order No., is 93/2012-13 dt.24/5/12. Tender agreement is dt.24/5/12.
- c) As per completion report, date of commencement and date of completion are 24/5/12 and 6/6/12 respectively. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per check list the date of recording measurement is 7/6/12. Date of check measurement has not been mentioned. M.B.No., is 2361 at page No.91-93. In contract certificate the dates of recording measurement are written as 6/6/12 and 7/6/12. The date of check measurement is written as 7/6/12. M.B.No.is written as 2364 from page No.91-93. However, page No.91-93 have been produced and in page No.91, M.B. number is written as 2361. Date of measurement has been written as 7/6/12, 6/6/12 and they have been struck off and again written as 7/6/12. Only at the end, in page No.93 there are signatures of S.D.Patil with date '7/6' below the writings 'measured and recorded by me' and 'checked and found correct'. Therefore, there is no entry in M.B.that measurements were verified on 6/6/12 also. Considering the nature of work and quantum of work as specified in the estimate, it seems improbable that on a single day entire measurement could be verified and recorded. There is no stage wise verification of the work. On the other hand relating to item No.1 and 6, in page No.91, item No.4 in page No.92, it has been written as same M.B P.No.102. However page No.102 has not been produced. Therefore there is no recording of detailed measurements as per estimate with respect to item No.1, 6 and 4. From the comparison of estimate with M.B. relating to item No.2 and 3. It is noticed that as per estimate the total length, breadth and depth specified were 113.00, 4.00, 0.20/0.10 M respectively, but in page No.92 of M.B. the length have been recorded as 30.0, 30.0 and 33.20M. The breadth have been recorded as 4.70+4.90/2, 5.00+5.10/2 and 4.60+4.80/2. The total quantity of item No.1 to 6 as specified in the estimate are 135.60, 90.40, 45.20, 90.40, 240 Sq.m and 135.60 cum respectively. In M.B.

- the total quantities of item No.1 to 6 are shown as 130, 5.46, 90.00, 45.15, 90.00, 236.40 Sq.m respectively. Therefore, there are materials to believe that the work has not been executed as per estimate.
- e) Estimated cost is Rs.7.49 lakhs. Entrusted amount is Rs.7,48,843/-. The first and final bill amount is Rs.7,45,818/-. Adjusted amount is Rs.98,109/-. Cheque amount is Rs.6,47,709/-. Only 1% I.T. is deducted. Cheque date is 16/6/12. In R.A first and final bill, all the entries regarding the date and amount have been struck off and rounded off and hand written without the signature of the concerned officer. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- f) Even quality inspection report is not produced. Test reports on coars aggregate, fine aggregate have been produced without mentioning the date of testing. Date of issuance is 24.5.12. In the report on cubes strength CC test, the dates of testing are written as 1/6/12 and 2/6/12. The date on which it has been issued has not been mentioned. As per completion report, on 6/6/12, itself the work had been entirely completed. Therefore, the said test reports cannot be attached much evidentiary value so as to express opinion about the quality of work. Photos are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents, as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XVI. Providing basic amenities to (CC road) Mirza Badavane Slum in Hiriuru Town, Chiradurga.**

- a) The copies of completion report, check list, technical report, contract certificate with first and final bill, royalty statement, comparative statement, test reports, photos, work order, tender agreement, schedule-B, estimate, report accompanying tender papers, tender notification, page No.94-96 of M.B.No.2361 have been produced.

- b) As per check list, work order No., is 91/2012-13 dt.24/5/12. Tender agreement is dt.24/5/12.
- c) As per completion report, date of commencement and date of completion are 24/5/12 and 8/6/12 respectively. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per check list, the date of recording measurement is 9/6/12. Date of check measurement has not been mentioned. M.B.No., is 2361 and page No. is 91-93. In contract certificate the dates of recording measurement are written as 8/6/12 and 9/6/12. The date of check measurement is written as 9/6/12. M.B.No.is written as 2364 from page No.94-96. However, page No.94-96 of M.B. have been produced and in page No.94, M.B. number is written as 2361. Date of measurement has been written as 9/6/12. Only at the end in page No.96, there are signatures of S.D.Patil with date '9/6' below the writings 'measured and recorded by me' and 'checked and found correct'. Therefore, there is no entry in M.B.that measurements were verified and recorded on 8/6/12 also, as stated in contract certificate. Considering the nature of work and quantum of work as specified in the estimate, it seems improbable that on a single day entire measurement could be verified and recorded. There is no stage wise verification of the work.
- e) Further in page No.94 and 95, relating to item No.1, 6 and 4, it is written as same M.B.P.No.103. However page No.103 has not been produced. Therefore there is no detailed recording of measurement relating to item No.1, 6 and 4 as per estimate. As per estimate the total quantities of item No.6 are 135.60, 90.40, 45.20, 90.40 cum, 240.00 Sqm and 135.60 cum. As per M.B. the total quantities of item No.1 to 6 are 135.57, 90.38, 45.19, 90.38, 248.80 Sq.M and 135.57 cum respectively. The detailed measurement of item No.2 and 3 have been recorded in page No.95. According to estimate, the total length of road proposed is 113.00M. In M.B. the length of road are mentioned as 30.0, 30.0, 30.0, and 34.40. The last two figures have been

- over written. The breadth have been recorded as  $3.80+4.00/2$ ,  $3.50+3.70/2$ ,  $3.60+3.50/2$ , and  $3.40+3.60/2$  relating to item No.2 and 3. Therefore, it can be safely opined that the work has not been executed as per estimate.
- f) Estimated amount is Rs.7.49 lakhs. Entrusted amount is Rs.7,48,826/-. The first and final bill amount is Rs.7,48,671/-. Adjusted amount is Rs.98,482/-. Cheque amount is Rs.6,50,189/-. Only 1% I.T. is deducted. Cheque date is 16/6/12. SBR No.is 11/12-13 dt.11/6/12. In R.A first and final bill all the entries regarding the date and amount have been struck off and rounded off and hand written without signature of the concerned officer. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Even quality inspection report is not produced. Test reports on coars aggregate, fine aggregate and cement dt.24/5/12 have been produced. Dates of testing have not been mentioned. In the report on cubes strength CC test, the dates of testing are written as 1/6/12 and 2/6/12. The date on which it has been issued has not been mentioned. As per completion report, on 6/6/12, itself the work had been entirely completed. Therefore, the said test reports cannot be attached much evidentiary value so as to express opinion about the quality of work. Photos are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents, as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XVII. Providing basic amenities to (CC road) Azaad Slum in Hiriyuru Town, Chiradurga.**

- a) The copies of completion report, check list, technical report, contract certificate with first and final bill, royalty statement, comparative statement, test reports, photos, work order, tender agreement, schedule-B, estimate, report accompanying tender papers, tender notification, page No.97-100 of M.B.No.2361 have been produced.

- b) As per check list, work order No., is 90/2012-13 dt.24/5/12. Tender agreement is dt.24/5/12.
- c) As per completion report, date of commencement and date of completion are 24/5/12 and 10/6/12 respectively. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per check list the date of recording measurement is 11/6/12. Date of check measurement has not been mentioned. M.B.No., is 2361 and page is No.91-93. In contract certificate, the dates of recording measurement are written as 10/6/12 and 11/6/12. The date of check measurement is written as 11/6/12. M.B.No.is written as 2364 from page No.97-99. However, page No.97-100 of M.B. have been produced. M.B. number is written as 2361 in page No.97. Date of measurement has been written as 11/6/12, in page No.97. Only at the end in page No.99 there are signatures of S.D.Patil with date 11/6/12 below the writings 'measured and recorded by me' and 'checked and found correct'. Therefore, there is no entry in M.B.that measurements were verified and recorded on 10/6/12 also as stated in contract certificate. Considering the nature of work and quantum of work as specified in the estimate it seems improbable that on a single day entire measurement could be verified and recorded. There is no stage wise verification of the work.
- e) In contract certificate, measurement book No. is shown as 2364 in page No.97 of M.B, M.B.No., is written as 2361. In page No.97 relating to item No.1, 6 and in page No.98 relating to item No.4 it is written as 'same M.B.P.No.104'. However page No.104 is not produced. Therefore, there are no detailed measurements recorded in page No.97-99 relating to item No.1, 6, and 4. The total quantities of item No.1 to 6 as specified in estimate are 135.60, 90.40, 45.20, 90.40 cum, 240.00 Sqm and 135.60 cum. As per M.B. the total quantities of item No.1 to 6 are 135.57, 90.38, 45.19, 90.38, 240.00 Sq.M and 135.57 cum respectively. The detailed measurement of item No.2 and 3 have been recorded in page No.98 & 99. As per



estimate the length, breadth and depth of item No.2 and 3 as per estimate are 113.00, 4.00, 0.20/0.10 M respectively. In M.B. the measurements of said items are recorded as 30.0, 30.0, 30.0, and 31.40. The breadth have been recorded as  $3.80+4.00/2$ ,  $3.80+3.70/2$ ,  $3.60+3.80/2$ , and  $3.40+3.60/2$  relating to item No.2 and 3. There is no document to show that any modified estimate has been prepared and approved by the concerned authority in this regard. Therefore, it can be safely opined that the work has not been executed as per estimate.

- f) Estimated amount is Rs.7.49 lakhs. Entrusted amount is Rs.7,48,947/-. The first and final bill amount is Rs.7,48,792/-. Adjusted amount is Rs.98,496/-. Cheque amount is Rs.6,50,296/-. Only 1% I.T. is deducted. Cheque date is 16/6/12. SBR No.is 12/12-13 dt.11/6/12. In R.A first and final bill, all the entries regarding the date and amount have been struck off and rounded off and hand written without the signature of the concerned officer. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Even quality inspection report is not produced. Test reports on coars aggregate, fine aggregate and cement dt.24/5/12 have been produced. Date of testing has not been mentioned. In the report on cubes strength CC test the date of testing is written as 1/6/12 and 2/6/12. The date on which it has been issued has not been mentioned. As per completion report, on 10/6/12 itself the work had been entirely completed. Therefore, the said test reports cannot be attached much evidentiary value so as to express opinion about the quality of work. Photos are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents, as discussed above it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XVIII. Providing basic amenities to (CC road) Jatpat Nagar Slum in Chiradurga City.**

- a) The copies of completion report, check list, technical report, contract certificate with first and final bill, royalty statement,

comparative statement, test reports, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.1-4 of M.B. have been produced.

- b) As per check list, work order No., is 505/2012-13 dt.7/11/12. Tender agreement is dt.7/11/12.
- c) As per completion report, date of commencement is 22/11/12 and date of completion is 29/11/12. Date of site handed over is 22/11/12. As per work order, date of commencement is the date of handing over site and contractor had been directed to contact AEE, KSDB, Tumkur within 7 days from the date of receipt of work order to obtain mark out to start the work immediately. Therefore there is delay in commencement of work. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per check list, the date of recording measurement and the date of check measurement are shown as 28/11/12 and 29/11/12. M.B.No., is 3016 and page No., are 1-3. In contract certificate the dates of recording and the dates of check measurement are written as 12/11/12 15/11/12 28/11/12 and 29/11/12. Measurements have been stated to be recorded in page No.1-3 of M.B.No.3016. Page No.1-4 of M.B., have been produced. M.B.No.has been written as 3016 in page No.1. The date of mark out is written as 12/11/12. Dates of measurement have been written as 15/11/12, 28/11/12 and 29/11/12. Therefore there is variation in the date of commencement in between completion report and M.B. There is the signature of E.E. with the date 29/11/12 in page No.2. The signatures of S.D.Patil are found only in page No.3 below the writing 'recorded by me and measurement C&F correct'. The date has not been written. Therefore, there is no material to show that measurements were verified and recorded on 12/11/12, 15/11/12 and 28/11/12. Considering the nature of work and quantum of work as specified in the estimate, it seems improbable that on a single day entire measurement

- could be verified and recorded. There is no stage wise verification of the work.
- e) Further in M.B. at page No.1 relating to item No.1, 6 and 4 and in page No.2 relating to item No.2 it has been written as 'same M.B. P.No.100 and 101'. The said page No.101 has not been produced. There is no recording of detailed measurements of item No.1, 6, 4, and 2. Only the measurements of item NO.3 and 5 have been recorded in detail. In estimate the measurements of item No.3 are specified as 355.00, 4.00, 0.10 M and the measurements of item No.5 are specified as 355.00, 0.00, and 0.30M respectively. But in M.B. measurements of item No.3 are recorded as 148.00x4.00x0.10, 15.00x3.90x0.10 and 168.00x4.50x0.10. The measurements of item No.5 have been recorded as 2x148.0x0.30, 2x15.0x0.30 and 2x168.0x0.30. The total quantities of item No.1 to 6 specified in estimate are 426.00, 284.00, 142.00, 284.00, 240.00 Sqm and 426.00 cum respectively. In M.B. the quantities are recorded as 421.95, 281.30, 140.65, 281.30, 197.80 and 421.95 cum. Therefore, the total quantities recorded in M.B. are less than that specified in estimate. Therefore, it can be safely opined that the work has not been executed as per estimate.
- f) Estimated amount is Rs.24.99 lakhs. Entrusted amount is Rs.23,94,145/-. The first and final bill amount is Rs.24,65,355/-. Adjusted amount is Rs.3,35,936/-. Cheque amount is Rs.21,29,419/-. Only 1% I.T. is deducted, and cheque date is 27/12/12. SBR No.is 53/12-13 dt.10/12/12.
- g) Even quality inspection report is not produced. Only test report on CC cubes is produced which is dt.15/11/12, but date of testing is shown as 22/11/12. The work itself has been completed on 29/12/12. Therefore, the said test reports cannot be attached much evidentiary value so as to express opinion about the quality of work. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XIX. Providing basic amenities to (CC road) Gopalpura-2 Slum in Hiriyuru Town, Chiradurga.**

- a) The copies of completion report, check list, technical report, royalty statement, contract certificate with first and final bill, comparative statement, test reports, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.88-90 of M.B. have been produced.
- b) As per check list, work order No., is 92/2012-13 dt.24/5/12. Tender agreement is dt.24/5/12.
- c) As per completion report, date of commencement is 24/5/12 and date of completion is 4/6/12. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per check list, the date of recording measurement is 5/6/12. Date of check measurement has not been mentioned. M.B.No., is 2361 and page No., are 88-90. In contract certificate the dates of recording measurement are written as 4/6/12 and 5/6/12. The date of check measurement is written as 5/6/12. M.B.No.is written as 2364 from page No.88-90. However, page No.88-90 of M.B. have been produced. M.B. number is written as 2361 in page No.88. In page No.88 date of completion and date of measurement have been over written as 4/6/12 and 5/6/12. The signatures of S.D.Patil are found in only in page No.90 with date 5/6/12 below the writings 'measured and recorded by me' and 'checked and found correct'. Therefore, there is no material to show that the measurement were verified and recorded even on 4/6/12 as stated in contract certificate. Considering the nature of work and quantum of work as specified in the estimate, it seems improbable that on a single day entire measurement could be verified and recorded. There is no stage wise verification of the work.
- e) In page No.88, relating to item No.1, 6, in page No.89, relating to item No.4 there is writing as 'same M.B.P.No.101'. However,

page No.101 of M.B. is not produced. Therefore, in page No.88-90, the detailed measurement of item No.1, 6 and 4 have not been recorded. Only the measurement of item No.2 and 5 have been recorded. As per estimate the total length, breadth and depth are 113.00, 4.00, and 0.20M respectively. But in page No.,89 the measurements have been recorded for different stretches of road with different measurement of breadth. The measurements of length are recorded as 30.0, 30.0, 30.0, 31.30M. The measurement of breadth are recorded as 2.90+3.10/2, 4.10+4.30/2, 3.90+4.10/2, 3.60+3.80/2 both relating to item No.2 and 5. There is no document to show that any modified estimate has been prepared and approved by the concerned authority in this regard. Therefore, it can be safely opined that the work has not been executed as per estimate.

- f) Estimated amount is Rs.7.50 lakhs. Entrusted amount is Rs.7,48,917/-. The first and final bill amount is Rs.7,48,606/-. Adjusted amount is Rs.98,476/-. Cheque amount is Rs.6,50,130/-. Only 1% I.T. is deducted. Date of cheque is not written. Only month and year written as '6/12'. SBR No.is 9/12-13 dt.11/6/12. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Even quality inspection report is not produced. Test reports on coars aggregate, fine aggregate and cement dt.24/5/12 have been produced. Date of testing has not been mentioned. In the report on cubes strength CC test, the dates of testing are written as 1/6/12 and 2/6/12. As per completion report on 4/6/12, itself the work had been entirely completed. Therefore, the said test reports cannot be attached much evidentiary value so as to express opinion about the quality of work. Photos are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XX.** ಚಿತ್ರದುರ್ಗ ನಗರದ ವೆಂಕಟೇಶ್ವರ ಬಡಾವಣೆ ಹಾಗೂ ಮಹಾತ್ಮಾಗಾಂಧಿ ನಗರ ಕೊಳಚೆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕಿರುನೀರು ಸರಬರಾಜು ಹಾಗೂ ವಿದ್ಯುದೀಕರಣ ಕಾಮಗಾರಿ

- a) The copies of contract certificate with third and final bill, comparative statement, completion certificate, technical report, photos, credit bills, receipts, CC with second and part bill, check list, CC with first and part bill, work order, tender agreement, schedule-B, letter of acceptance, report accompanying tender papers, tender bulletin, estimate, page No.64-76 of M.B, page No.1, 2, 4 to 17 of M.B.No.2997 and page No.24-25 of M.B. have been produced.
- b) Tender approval order is dt.11/6/12. Letter of acceptance is dt.2/7/12, work order No., is 218/2012-13 dt.20/7/12. Tender agreement is dt.20/7/12.
- c) As per completion certificate date of commencement and date of completion are 26/7/12 and 18/10/12. Officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per CC with first and part bill, the measurements have been recorded and check measured on 30/7/12, in page No.19-23 of M.B.No.3013. As per CC with second and part bill, the date of recording measurement is 1/10/12 recorded in page No.64-75 of M.B.No.3013. Date of check measurement has been left blank. As per CC with third and final bill, date of recording measurement and date of check measurement are 18/10/12 recorded in page No.1-17 of M.B.No.2997. Therefore, the measurements have been recorded pertaining to each bill on a single day. Considering the nature of work and quantum of work as specified in the estimate, it seems improbable that on a single day entire measurement could be verified and recorded. There is no stage wise verification of the work. Page No.19-23 of M.B.No.3013 have not been produced. Page No.64-75 relating to second and part bill and page No.1, 2, 4-17 of M.B.No.2997 relating to third and final bill, have been produced. In page No.64 date of recording is written as 1/10/12. In page No.1 of M.B.2997, date of recording is mentioned as 18/10/12. In both the M.Bs only the total quantities have been recorded. In estimate detailed measurements have been specified for construction of hume

- pipe pump house, estimation for rising main, UCR valve chamber, estimate for cisterns for portable water supply by MWS. Therefore in the absence of recording of detailed measurement and non production of page No.19-23 of M.B.3013, it cannot be concluded the work has been executed as per estimate.
- e) Estimated amount is Rs.24.97 lakhs. Entrusted amount is Rs.24,67,424/-. The first and part bill amount is Rs.13,56,860/-. Adjusted amount is Rs.95,118/-. Cheque amount is Rs.12,61,742/-. 2% I.T. is deducted. Cheque date is 9/8/12. SBR No.is 28/12-13 dt.3/8/12. Second and part bill amount is Rs.7,40,000/-. Adjusted amount is Rs.44,474/-. Cheque amount is Rs.6,95,526/-. Cheque date 12/10/12. SBR No.42/12-13 is dt.5/10/12. Third and final bill amount is Rs.13,70,564/-. Adjusted amount is Rs.22,272/-. Total cheque amount is Rs.3,77,742/-. Cheque date is 28/3/13. SBR No.77/8-3-13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- f) Quality inspection report is not produced. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXI.** ಚಿತ್ರದುರ್ಗ ನಗರದ ಮೊಳಕಾಲ್ಮೂರು ಪಟ್ಟಣದ ಭೋವಿ ಕಾಲೋನಿ ಹಾಗೂ ಚಳ್ಳಕೆರೆ ಪಟ್ಟಣದ ಜನತಾ ಕಾಲೋನಿ ಪಕ್ಕಕ್ಕೆ ಕೊಳಚೆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕಿರುನೀರು ಸರಬರಾಜು ಹಾಗೂ ವಿದ್ಯುದೀಕರಣ ಕಾಮಗಾರಿ

- a) The copies of contract certificate with third and final bill, CC with second and part bill, CC with first and part bill, technical report, letter of acceptance, tender approval order, report accompanying tender papers, estimate, page No.7-11 of M.B., page No.41-53 of M.B, page No.93-105 of M.B, page No.20&21 of M.B, check list, tender notification, have been produced.
- b) Neither the work order nor tender agreement is produced. Even completion certificate is not produced. As per check list with third and final bill, date of starting is 26/7/12 and due date of completion is 16/10/12. In page No.93 of M.B., date of completion is written as 16/10/12. In the absence of

production of work order, agreement and completion certificate no opinion can be expressed as regards the compliance of condition regarding the due period of commencement and completion of work. From contract certificate and M.Bs it is to be gathered that the officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.

- c) As per CC with first and part bill, the measurements have been recorded and check measured on 30/7/12 recorded in page No.7-11 of M.B.No.3013. As per CC with second and part bill, the date of recording and date of check measurement are 1/10/12 recorded in page No.41-53 of M.B.No.3013. As per CC with third and final bill, date of recording measurement and date of check measurement are 16/10/12 recorded in page No.93-105 of M.B.No.3013. Therefore, the measurements have been recorded pertaining to each bill on a single day. Considering the nature of work and quantum of work as specified in the estimate, it seems improbable that on a single day entire measurement could be verified and recorded. There is no stage wise verification of the work. Page No.7-11 of M.B.have been produced wherein M.B.number is not forthcoming. The date of recording is shown as 30/7/12. The signature of S.D.Patil is found only at the end in page No.11.
- d) Page No.41-53 of M.B relating to second and part bill have been produced. Date of recording is written as 1/10/12. Only the total quantity has been recorded, even with regard to item No.7, 8, 9, 33 and therefore, it becomes clear that there is no recording of detailed measurement as per estimate.
- e) Page No.93-105 of M.B. relating to third and final bill have been produced, wherein date of recording is written as 16/10/12. Even in the said M.B only the total quantities have been mentioned. Therefore, it is seen that detailed measurement as specified in estimate for construction of hume pipe pump house, estimation for rising main, UCR valve chamber, estimate for cisterns for portable water supply by MWS have not been recorded in M.B. Therefore in the absence



of recording of detailed measurement, it cannot be concluded the work has been executed as per estimate.

- f) Estimated amount is Rs.24.95 lakhs. Entrusted amount is Rs.24,64,058/-. The first and part bill amount is Rs.13,55,000/-. Adjusted amount is Rs.94,985/-. Cheque amount is Rs.12,60,015/-. 2% I.T. is deducted. Cheque date is 9/8/12. SBR No.is 26/12-13 dt.3/8/12. Second and part bill amount is Rs.7,23,258/-. Adjusted amount is Rs.43,468/-. Cheque amount is Rs.6,79,790/-. 1% I.T. is deducted. Cheque date is 12/10/12. SBR No.41/12-13 dt.5/10/12. Third and final bill amount is Rs.3,85,800/-. Adjusted amount is Rs.23,187/-. Total cheque amount is Rs.3,92,063/-. 1% I.T. is deducted. Cheque date is 28/3/13. SBR No. is 76/8-3-13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXII.** ಚಳ್ಳಕೆರೆ ಪಟ್ಟಣದ ಇಂದಿರಾನಗರ ಹಾಗೂ ಜನತಾ ಕಾಲೋನಿ ಕೊಳಚೆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕಿರುನೀರು ಸರಬರಾಜು ಹಾಗೂ ವಿದ್ಯುದೀಕರಣ ಕಾಮಗಾರಿ

- a) The copies of contract certificate with third and final bill, CC with second and part bill, CC with first and part bill, work order, schedule-B, letter of acceptance, tender approval order, report accompanying tender papers, electrical contractor licence, estimate, page No.1-5 of M.B.No.3013, page No.26-40 of M.B, page No.77-92 of M.B, page No.89-90 of M.B, check list, have been produced.
- b) Tender approval order is dt.11/6/12. Letter of acceptance is dt.2/7/12. Work order No., is 215/12-13 dt.20/7/12. Date of commencement is date of mark out and due date of completion is 3 years. As per check list with third and final bill, date of starting is 26/7/12 and date of completion is written as 15/10/12.

- c) From the contract certificate it is to be gathered that the officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In check list accompanying first and part bill, the dates of recording measurement and check measurement have not been mentioned. M.B.book No.is written as 3013 recorded in page No.1-5. In contract certificate the date of measurement and date of check measurement are written as 30/7/12 recorded in page No.1-5 of M.B.No.3013. Considering the nature of work and quantum of work as shown in first and part bill, it seems improbable that on a single day the entire measurement has been verified stage wise and recorded. Page No.1-5 of M.B.have been produced. The date of recording is shown as 30/7/12. In page No.5 there are signatures of S.D.Patil below the writing 'recorded by me and measurement checked and found correct'. As per M.B. he has verified the work both at Indira Nagar and Janatha Colony relating to item No.14, 15, 18, 22, 23, 26,29,31, 34, 42, 60, 61, 62, 63, and 64. It seems improbable.
- e) As per check list with second and part bill, the measurements have been recorded in M.B.No.3013 from page No.26-40. In contract certificate, the date of recording and date of check measurement have been mentioned as 1/10/12. Page No.26-40 have been produced. M.B.book number is not forthcoming. The date of recording is written as 1/10/12. Recording of work specified in item No.1(a)(b)(c) 2 to 4, 7-39, 42-44, 60-68 are found. There are signatures of S.D.Patil only in page No.40 at the end below the writings 'recorded by me' and 'found checked correct'. Therefore, considering the nature of work and quantum of work as shown in first and part bill, it seems improbable that on a single day the entire measurement has been verified stage wise and recorded.
- f) As per contract certificate and check list relating to third and final bill, the measurements have been recorded in page No.77-92 of M.B.No.3013. The date of recording and date of check measurement are written as 15/10/12. Page No.77-92 of M.B.,

have been produced. However M.B.number is not forthcoming. Date of recording is shown as 15/10/12 and date of completion as 15/10/12. The signatures of S.D.Patil, AE and AEE are found only at page No.92 below the writing 'recorded by me' and 'found checked correct'.

- g) From R.A. third and final bill, it can be noticed that under the said contract certificate the works specified in item No.1(c), 2, 5, 6, 40, 41,43, 45(a)to (i), 46 47, 48(a) to (e) (GI Pipe fittings), 48 (cistern) 50 to 59 have been recorded. Therefore, it seems improbable that on a single day the said entire work has been verified stage wise and recordings have been made.
- h) From comparison of recordings made in the said M.Bs with the estimate it can be observed that there are no recording of detailed measurements even with regard to UCR Valve chamber cistern for portable water supply by MWS, sinking of bore well and construction of hume pipe pump house. Therefore it cannot be concluded that the work has been executed as per estimate.
- i) Estimated amount is Rs.24.99 lakhs. Entrusted amount is Rs.24,62,178/-. The first and part bill amount is Rs.13,53,974/-. Adjusted amount is Rs.94,914/-. Cheque amount is Rs.12,59,060/-. 2% I.T. is deducted. Cheque date is 9/8/12. SBR No.is 25/12-13 dt.3/8/12. Second and part bill amount is Rs.7,38,482/-. Adjusted amount is Rs.44,381/-. Cheque amount is Rs.6,94,101/-. 1% I.T. is deducted. Cheque date 12/10/12. SBR No. is 40/12-13 dt.5/10/12. Third and final bill amount is Rs.3,69,723/-. Adjusted amount is Rs.22,120/-. Total cheque amount is Rs.3,76,953/-. 1% I.T. is deducted. Cheque date is 28/3/13. SBR No. is 78/8-3-13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- j) Quality inspection report is not produced. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXIII.** ಚಿತ್ರದುರ್ಗ ನಗರದ ಬರಗೇರಿ ನಗರದ ಭೋವಿ ಕಾಲೋನಿ ಹಾಗೂ ಛಲವಾದಿ ಕಾಲೋನಿ ಕೊಳಚೆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕಿರುನೀರು ಸರಬರಾಜು ಹಾಗೂ ವಿದ್ಯುದೀಕರಣ ಕಾಮಗಾರಿ

- a) The copies of check list and contract certificate with third and final bill, check list and CC with second and part bill, check list and CC with first and part bill, completion certificate, work order, tender agreement, schedule-B, letter of acceptance, tender approval order, electrical contractor licence, report accompanying tender papers, estimate, page No.13-17, page No.22&23, page No.54-63 of M.B.No.3013, page No.91-94 of M.B.No.2840 have been produced.
- b) Tender approval order is dt.11/6/12. Letter of acceptance is dt.2/7/12. Tender agreement is dt.20/7/12. Work order No.is 217/12-13 dt.20/7/12,
- c) As per completion report, date of commencement and date of completion are 26/7/12 and 17/10/12 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per contract certificate with the first and part bill, date of recording measurement and date of check measurement are written as 30/7/12 page No.13/17. M.B.Number is not forthcoming. Date of recording is written as 30/7/12. The signatures of S.D.Patil AE & AEE are found with date 30/7/12, only at the end of page No.17 below the writing 'recorded by me and measurement checked and found correct'. It is recorded that on the same day he has verified the work both at Chalavadi Colony and Barageri Bhovi Colony with regard to the works specified in item No.14, 15, 18, 22, 23, 26, 29, 31, 34, 42, 60 to 64. Therefore it seems improbable that on a single day the entire measurement has been verified stage wise and recorded.
- e) As per CC with second and part bill, the measurement have been recorded in M.B.No.3013 from page No.55-63. Date of recording and date of check measurement have been mentioned as 1/10/12. M.B. No., is 3013 and page No. 55-63 have been produced. In page No.55 date of recording is written

as 1/10/12. Only in page No.63 the signature of AE and AEE Sri.S.D.Patil are found with date 1/10/12, below the writings 'recorded by me' and 'checked and found correct'. From RA second and part bill' it is to be gathered that the measurements of the work specified in item No.3, 4, 7, 8,10, 11, 12, 13, 15, 16, 17, 19(b), 20, 21, 22, 24, 25, 27-33, 35-39, 42-55, 65-68 have been recorded. Considering the nature of work and quantum of work as shown in first and part bill, it seems improbable that on a single day the entire measurement has been verified stage wise and recorded.

- f) As per contract certificate and check list relating to third and final bill, the measurements have been recorded in page No.91-107 of M.B.No.2840. The date of recording and date of check measurement are written as 17/10/12. Page No.91-94 of M.B., have been produced. In page No.91 the date of recording is written as 17/10/12 and date of completion as 17/10/12. The signatures of S.D.Patil, AE and AEE are found only in page No.91-94. Page No.95-107 have not been produced. Therefore M.B. produced is incomplete. Bill details are not found. Therefore it cannot be attached any value so as to express opinion regarding the execution of work as per estimate. Even according to R.A. third and final bill, the works specified in item No.5, 6, 40, 41, 45(a) to (i), 46 47, 48(a) to (e) (GI Pipe fittings), 55 57 58(a) to (h) 59 have been executed. Therefore, it seems improbable that on a single day the said entire work has been verified stage wise and recordings have been made.
- g) From comparison of estimate with M.B, first of all it is noticed that it is incomplete. Only the total quantities have been mentioned and detailed measurements have not been recorded even with respect to UCR Valve chamber, cistern for portable water supply by MWS. Sinking of bore well and construction of hume pipe pump house, rising main. Therefore it cannot be concluded that the work has been executed as per estimate.
- h) Estimated amount is Rs.24.99 lakhs. Entrusted amount is Rs.24,67,195/-. The first and part bill amount is Rs.13,56,956/-. Adjusted amount is Rs.95,125/-. Cheque amount is Rs.12,65,831/-. 2% I.T. is deducted. Cheque date is

9/8/12. SBR No.is 27/12-13 dt.3/8/12. Second and part bill amount is Rs.7,39,777/-. Adjusted amount is Rs.44,461/-. cheque amount is Rs.6,95,316/-. 1% I.T. is deducted. Cheque date is 12/10/12. SBR No. is 39/12-13 dt.5/10/12. Third and final bill amount is Rs.3,70,463/-. Adjusted amount is Rs.22,266/-. Total cheque amount is Rs.3,77,647/-. 1% I.T. is deducted. Cheque date is 28/3/13. SBR No. is 77/8-3-13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.

- i) Quality inspection report is not produced. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

#### **XXIV.Providing Mini Water Supply at Rajendranagar Slum in Chitradurga City.**

- a) The copies of check list, technical report, completion report, CC with first and final bill, comparative statement, royalty statement, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.83-93 of M.B.No.2997 have been produced.
- b) Work order No.is 862/2013-14 dt.28/12/13. Tender agreement is dt.28/12/13.
- c) As per completion report, date of commencement and date of completion are 30/12/13 and 15/1/14 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- d) As per contract certificate with the first and final bill, the date of recording measurement and date of check measurement are written as 18/1/14, recorded in page No.83-94 of M.B.No.2997. Therefore it is seen that the entire work has been verified and measurements recorded on a single day. Considering the nature of work and quantum of work as shown in first and part bill, it seems improbable that on a single day

- the entire measurement has been verified stage wise and recorded.
- e) Page No.83-93 of M.B.No.2997 has been produced. Date of mark out is written as 30/12/13. Date of completion is written as 15/1/14. Date of measurement is written as 18/1/14. Only in page No.92 at the end the signature of S.D.Patil AE & AEE are found below the writing 'recorded by me' and 'measurement check and found correct'. In page No.93 the bill details have been recorded. In page No.83 there is signature of EE below the writing 'item No.2 C & FC dt.18/1/14'. But it has been recorded 3 days after completion of the entire work. From comparison of estimate with M.B., it is noticed that the length specified for rising main is 34.00Mt, but in M.B. it is recorded as 33.00Mt. Therefore, there is variation in between the estimate and M.B regarding the actual measurement. Even from comparison statement, it can be noticed that the quantities as per schedule-B and as per execution vary with each other with respect to item No.2, 7, 8, 9, 16, 18, 19, 20, 29-34, 40, 43, 46(a).
- f) Estimated amount is Rs.4.99 lakhs. Entrusted amount is Rs.4,96,954/-. The first and part bill amount is Rs.4,71,116/-. Adjusted amount is Rs.52671/-. Cheque amount is Rs.4,18,445/-. Only 1% I.T. is deducted, and cheque date is 30/1/14. SBR No.is 49/18-1-14. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. Copies of photos are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXV.Providing basis amenities to (CC Road, water supply and culvert) Cholagudda Slum in Chitradurga City.**

- a) The copies of check list, technical report, completion report, CC with first and final bill, comparative statement, royalty statement, test report, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.26-34 of M.B. have been produced.
- b) Work order No.is 832/2012-13 dt.20/2/13. Tender agreement is dt. 20/2/13.
- c) As per completion report, date of commencement and date of completion are 22/2/13 and 30/3/13 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) As per contract certificate with the first and final bill, the dates of recording measurement 22/2/13, 26/2/13, 28/2/13, 25/3/13, 28/3/13 and 12/4/13, and dates of check measurement 23/2/13, 26/2/13, 28/2/13, 25/3/13, 28/3/13, and 12/4/13, recorded in page No.25-31 of M.B.No.3016. In check list neither the date of recording nor the date of check measurement have been mentioned. In page No.26 of M.B. dates of measurements are written as 26/2/13, 28/2/13, 25/3/13, 28/3/13, and 12/4/13. Date of final measurement is written as 12/4/13. In page No.27-30, 32 total quantity of item No.1, 10, 8, 9, 5, 7, 2, 4, 11, 18 have been recorded and it has been written below as (M.B.No.2524 P.No.112, 113, 114). However page No.112 to 114 of M.B.No.2524 have not been produced. The detailed measurement of item No.3, 6, 20, 12, 13, 14, 15, 19, 16, 17, have been recorded. But the measurements as specified in estimate do not tally with that recorded in M.B. Even from comparative statement, it can be noticed that the quantities as per schedule-B and as per execution vary each other with regard to item No.4, 5, 7, 13, 14, 18. In R.A.first and final bill, the numerics relating to item No.14, 15, 16 and the total amount have been rounded off and rewritten. Considering the nature of work and quantum of work as shown in first and



final bill, it can be observed that there is no stage wise verification of work.

- e) Estimated amount is Rs.24.99 lakhs. Entrusted amount is Rs.24,91,290/-. The first and final bill amount is Rs.24,85,910/-. Adjusted amount is Rs.3,39,398/-. Cheque amount is Rs.21,46,512/-. Only 1% I.T. is deducted. Cheque date is 2/58/13. SBR No.is 2/13-14 dt.15-4-13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- f) Quality inspection report is not produced. Copies of photos are not clearly visible. A test report on CC cubes dt.12/4/13 is produced, wherein the date of testing is mentioned as 27/3/13. However the report has been issued subsequent to the date of completion. Therefore much evidentiary value cannot be attached to the said report so as to express opinion regarding the quality of work. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXVI. Construction of CC Road at Bhovi Colony Slum in Molakalmuru.**

- a) The copies of check list, technical report, detailed completion report, CC with first and final bill, comparative statement, royalty statement, test report, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.75-77 of M.B. have been produced.
- b) Work order No.is 1159/2013-14 dt.5/3/14. Tender agreement is dt.5/3/14.
- c) As per completion report, date of commencement and date of completion are 5/3/14 and 28/4/14. The date of completion has been over written and changed from 18/3/14 to 28/4/14. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and

Sri.H.G.Krishnamurthy, Accounts Superintendent as per report accompanying tender papers and M.B.

- d) As per contract certificate, the date of recording measurement and date of check measurement are 3/5/14, recorded in page No.75-77 of M.B.No.2650. Considering the works specified in estimate, it seems improbable that on a single day entire measurements could have been verified and recorded. It becomes clear that there is no stage wise verification of work. In page No.75-77 of M.B, M.B.number is not mentioned. In page No.75 date of recording is written as 3/5/11. Date of handing over site is written as 5/3/14 and date of completion as 28/4/14. As regards the measurements of item No.1, 2, 3, only the total quantity is recorded and it is written as '(same M.B. P.No.111)' but the page No.111 is not produced. There arises doubt as to whether works specified in item No.1 to 3 have been executed and have been executed as per estimate. As regards item No.4, the measurement has been over written. It creates doubt regarding the genuineness of the said recording. More over from comparison of estimate with measurements recorded in M.B. relating to other items it can be noticed that the measurements totally vary with each other. In estimate the measurement of item No.4 and 5 are specified as 82, 3.6 and 0.15 mt. respectively. But in M.B. the measurements are recorded as  $139.50 \times 3.15 \times 0.10 = 43.94$  cum and  $1.00 \times 3.15 \times 0.10 = 0.32$  cum. As regards item No.6 in estimate it is specified as  $2 \times 82 \times 0.3$ , in M.B. it is recorded as  $2 \times 139.50 \times 0.20 = 55.80$  Sqmt. Therefore, the work has not been executed as per estimate. Even from the comparative statement, it can be noticed that quantity as per schedule-B and as per execution vary with each other as regards item No.1 to 5, 7 and 8.
- e) Estimated amount is Rs.4.98 lakhs. Entrusted amount is Rs.4,93,830/-. The first and final bill amount is Rs.4,93,265/-. Adjusted amount is Rs.76,910/-. Cheque amount is Rs.4,16,355/-. Only 1% I.T. is deducted. Cheque date is 13/6/14. SBR No. is 21/14-15 dt.24/5/14. Therefore, there

arises doubt as to whether documents were prepared just for passing the bill.

- f) Quality inspection report is not produced. Copies of photos are not clearly visible. A test report on CC cubes dt.1/3/14 is produced, with date of testing as 12/3/14. Date of completion has been over written both in check list and completion report. Therefore, the said test report cannot be attached much evidentiary value so as to express opinion regarding the quality of work. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXVII. Providing basic amenities to (CC Road) Kelagote Slum in Chitradurga City.**

- a) The copies of check list, technical report, completion report, CC with first and final bill, comparative statement, royalty statement, test report, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.32-34 of M.B. have been produced.
- b) Work order No.is 555/2013-14 dt.13/8/13. Tender agreement is dt.13/8/13.
- c) As per completion report, date of commencement and date of completion are 14/8/13 and 18/9/13 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent as per report accompanying tender papers and M.B.
- d) In check list and also contract certificate, M.B.number and page number have been altered. M.B.No.is written as 2560 in page No.32-34. The date of recording measurement has not been written in check list. But date of check measurement is written as 19/9/13 by striking off 17/9/13. In contract certificate the dates of recording measurement are written as 17/8/13, 18/8/13, and 19/9/13. Dates of check measurement are written as 17/8/13, 18/8/13 and 19/8/13.

In page No.32 of M.B.date of completion is written as 17/9/13 and date of measurement as 19/9/13. Therefore, the above entries in different documents do not tally with each other. The signatures of AE and AEE Sri.S.D.Patil are found only at page No.34 at the end even without mentioning the date. Therefore, there is no material to show that the measurements have been verified and recorded on 17/8/13, and 18/8/13 as stated in contract certificate. As regards the measurements of item No.1, 6, 4, and 2 the quantity is mentioned with writing (same M.B P.No.103), however page No.103 is not produced. Therefore, there are no materials to make out that there was verification of the work specified in item No.1, 6, 4 and 2. From comparison of estimate with M.B. regarding item No.3 and 5, it is noticed that in estimate the length specified is 75.50, but in M.B. it is recorded as 78.50Mt. In estimate the breadth specified is 3.80Mt but in M.B. it is recorded as 3.65 mt. Therefore, the work cannot be said to have been executed as per estimate. Even according to comparative statement there are variations in between schedule-B and actual execution as regards the quantity of item No.1, 3 and 6.

- e) Estimated amount is Rs.5 lakhs, entrusted amount is Rs.4,98,269/- the first and final bill amount is Rs.4,97,588/- adjusted amount is Rs.67,864/-, cheque amount is Rs.4,29,724/- only 1% I.T. is deducted, cheque date is 28/9/13. SBR No.is 23/19-9-13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- f) Quality inspection report is not produced. Copies of photos are not clearly visible. A test report on CC cubes has been produced, wherein the date of testing is shown as 28/5/13. The date on which the report has been issued is not found. Therefore, the said test report cannot be attached much evidentiary value so as to express opinion regarding the quality of work. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXVIII. Providing basic amenities (CC Road) at Chaluvadi Colony Slum in Chitradurga City.**

- a) The copies of check list, technical report, completion report, CC with first and final bill, comparative statement, royalty statement, test report, photos, work order, tender agreement, schedule-B, tender approval order, report accompanying tender papers, tender notification, estimate, page No.26-28 of M.B.No.2650 have been produced.
- b) As per the above documents. Work order No.is 553/2013-14 dt.13/8/13, tender agreement dt.13/8/13.
- c) As per completion report, date of commencement and date of completion are 14/8/13 and 15/9/13 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In check list, the date of recording measurement has not been written. The date of check measurement is written as 19/9/13, recorded in M.B.No.2560 at page No.26-28. In contract certificate the dates of recording measurement and date of check measurement are written as 16/8/13, 17/8/13, and 19/9/13. Page No.26-28 of M.B.2650 have been produced. Date of mark out is written as 14/8/13. Date of measurement is recorded as 19/9/13. The signature of AE and AEE Sri.S.D.Patil are found in page No.28 after the entire recording, even without mentioning the date. Therefore, there is no material to make out that there was verification of work and recording of measurements on 16/8/13, 17/8/13, and 19/9/13 by Sri.S.D.Patil both as the officer incharge of work and sub-Divisional Officer. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work. In M.B. as regards item No.1, 6, 4 and 2 only the total quantity has been recorded and it is written as (Same M.B. P.No.100, 101). The said page No.100 and 101 have not been produced. Therefore

there is no prima facie material to show that the works specified in item No.1, 6,4 and 2 have been verified and measurement recorded. As regards item No.3 and 5, it is seen that as per estimate the specified length is 73.50 Mt and the breadth of item No.3 as specified in estimate is 3.90 Mt, but in M.B. the measurements are recorded as 79.50x3.60x0.10 and 79.50x0.30 respectively. Therefore, it can be noticed that the measurements recorded in M.B. are not at all as specified in estimate. Even from the comparative statement, it can be noticed that there are variations as regards the total quantity in between schedule-B and actual execution. Therefore, there are sufficient materials to substantiate the allegation of the complainant that the work has not been executed as per estimate.

- e) The estimated amount is Rs.5 lakhs, and entrusted amount is Rs.4,97,685/-. The first and final bill amount is Rs.4,96,892/-. Adjusted amount is Rs.67,773/-. Cheque amount is Rs.4,29,119/-. Only 1% I.T. is deducted. Cheque date is 28/9/13. SBR dt. is 19/9/13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- f) Quality inspection report is not produced. Only a test report on CC cubes has been produced. The date of testing is shown as 28/5/13. The date on which the report has been issued is not found. Therefore, the said test report cannot be attached much evidentiary value so as to express opinion regarding the quality of work. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXIX. Providing basic amenities (CC Road) at Basaveshwara Talkies Slum in Chitradurga City.**

- a) The copies of check list, technical report, completion report, CC with first and final bill, comparative statement, royalty statement, test report, photos, work order, tender agreement,

schedule-B, tender approval order, report accompanying tender papers, tender notification, estimate, page No.29-31 of M.B.No.2650 have been produced.

- b) As per the above documents, Work order No.is 554/2013-14 dt.13/8/13. Tender agreement dt. is 13/8/13.
- c) As per the completion report, date of commencement and date of completion are 14/8/13 and 16/9/13 respectively. Date of commencement, date of site handed over and date of completion have been altered and over written in both the check list and completion report. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In check list the date of recording measurement and M.B.book Number have not been written. Page numbers are written as 29-32. Date of recording has been over written as 19/9/13. In contract certificate the date of recording measurement and date of check measurement are written as 16/8/13, 17/8/13, and 19/9/13. Page No.29 of M.B.2650 have been produced. Date of mark out is written as 14/8/13. Date of completion is written as 16/9/13. Date of measurement is recorded as 19/9/13. The signature of AE and AEE Sri.S.D.Patil are found in page No.31 after the entire recording, even without mentioning the date. Therefore, there is no material to make out that there are verification of work and recording of measurements on 16/8/13, 17/8/13, and 19/9/13 by Sri.S.D.Patil both as the officer incharge of work and sub-Divisional Officer. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work. In M.B. as regards item No.1, 6, 4 and 2 only the total quantity has been recorded and it is written as (Same M.B. P.No.101, 102). The said page No.101 and 102 have not been produced. Therefore there is no prima facie material to show that the works specified in item No.1, 6,4 and 2 have been verified and measurement recorded. As regards item No.3 and 5 it is seen

that as per estimate the specified length is 74.00 Mt and the breadth of item No.3 as specified in estimate is 3.90 Mt, but in M.B. the measurements are recorded as 82.30x3.50x0.10 and 82.50x0.30 respectively. Therefore, it can be noticed that the measurements recorded in M.B. are not at all as specified in estimate. Even from comparative statement it can be noticed that there are variations as regards the total quantity in between schedule-B and actual execution. Therefore, there are sufficient materials to substantiate the allegation of the complainant that the work has not been executed as per estimate.

- e) The estimated amount is Rs.5 lakhs. Entrusted amount is Rs.4,99,047/-. The first and final bill amount is Rs.4,98,088/-. Adjusted amount is Rs.67,967/-. Cheque amount is Rs.4,30,121/-. Only 1% I.T. is deducted. Cheque date is 28/9/13. SBR dt. is 19-9-13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- f) Quality inspection report is not produced. Only a test report on CC cubes has been produced. The date of testing is shown as 24/8/13. The date on which the report has been issued is not found. Therefore, the said test report cannot be attached much evidentiary value so as to express opinion regarding the quality of work. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXX. Providing basic amenities (CC Road) at Kamanabavi Slum in Chitradurga City.**

- a) The copies of check list, technical report, completion report, CC with first and final bill, comparative statement, royalty statement, test report, photos, work order, tender agreement, schedule-B, tender approval order, report accompanying tender papers, tender notification, estimate, page No.35-37 of M.B.No.2650 have been produced.



- b) As per the above documents, Work order No.is 556/2013-14 dt.13/8/13. Tender agreement is dt.13/8/13.
- c) As per completion report, date of commencement and date of completion are 14/8/13 and 18/9/13 respectively. Date of commencement, date of site handed over and date of completion have been altered and over written both in the check list and completion report. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In check list, the date of recording measurement has not been mentioned. Only the date of check measurement is written as 19/9/13. In contract certificate the date of recording measurement and date of check measurement are written as 17/8/13, 18/8/13 and 19/9/13. In page No.35-38 of M.B.2560 have been produced. Date of mark out is written as 14/8/13. Date of completion is 18/9/13. Date of measurement is recorded as 19/9/13. The signature of AE and AEE Sri.S.D.Patil are found at the end of page No.37 after the entire recording even without mentioning the date. Therefore, there is no material to make out that there are verification of work and recording of measurements on 17/8/13, 18/8/13 and 19/9/13 by Sri.S.D.Patil both as the officer incharge of work and sub-Divisional Officer. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work. In M.B. as regards item No.1, 6, 4 and 2 only the total quantity has been recorded and it is written as (Same M.B. P.No.104, 105). The said page No.104 and 105 have not been produced. Therefore there is no prima facie material to show that the works specified in item No.1, 6,4 and 2 have been verified and measurement recorded. As regards item No.3 and 5 it is seen that as per estimate the specified length is 72.00 Mt and the breadth of item No.3 as specified in estimate is 4.00 Mt, but in M.B. the measurements are recorded as 77.50x3.70x0.10 and 77.50x0.30 respectively. Therefore, it can be noticed that the

measurements recorded in M.B. are not at all as specified in estimate. Even from the comparative statement, it can be noticed that there are variations as regards the total quantity in between schedule-B and actual execution. Therefore, there are sufficient materials to substantiate the allegation of the complainant that the work has not been executed as per estimate.

- e) The estimated amount is Rs.5 lakhs. Entrusted amount is Rs.4,98,917/-. The first and final bill amount is Rs.4,96,762/-. Adjusted amount is Rs.67,771/-. Cheque amount is Rs.4,28,991/-. Only 1% I.T. is deducted. Cheque date is 28/9/13. SBR dt. is 19-9-13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- f) Quality inspection report is not produced. Only a test report on CC cubes has been produced. The date of testing is shown as 25/8/13. The date on which the report has been issued is not found. Therefore, the said test report cannot be attached much evidentiary value so as to express opinion regarding the quality of work. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXXI. Providing basic amenities (CC Road) at Barageri Bhovi Colony Slum in Chitradurga City.**

- a) The copies of work order, tender agreement, schedule-B, report accompanying tender papers, contractors' pass book and other documents, district bulletin, tender notification, estimate, have been produced.
- b) As per the above documents, Work order No.is 604/2013-14 dt.4/9/13. As per work order, date of commencement is the date of handing over the site and due date of completion is 3 months from the date of handing over site.
- c) The estimated amount is Rs.1.99 lakhs. Entrusted amount is Rs.1,98,681/-. Tender agreement is also dt.4/9/13. As per

report accompanying the tender papers and estimate, the officers responsible for execution of work and passing of bill are Sri.S.D.Patil, AE & AEE; Sri.R.K.Krishnamurthy, EE and Sri.N.Mahadevaiah, Divisional Accountant.

- d) Neither M.B nor contract certificate with R.A bills have been produced. Even completion report and quality inspection report have not been produced. Therefore, from the mere production of estimate no opinion can be expressed regarding the execution of work, and also regarding execution of work in accordance with estimate and quality of work if executed.

**XXXII. Providing basic amenities (CC Road) at Jatpat Nagara Stage-I Slum in Chitradurga City.**

- a) The copies of work order, tender agreement, schedule-B, report accompanying tender papers, contractors' pass book and other documents, district bulletin, tender notification, estimate, have been produced.
- b) As per the above documents, Work order No.is 605/2013-14 dt.4/9/13. As per work order, date of commencement is the date of handing over the site and due date of completion is 3 months from the date of handing over site.
- c) The estimated amount is Rs.1.98 lakhs. Entrusted amount is Rs.1,97,724/-. Tender agreement is also dt.4/9/13. As per the report accompanying the tender papers and estimate, the officers responsible for execution of work and passing of bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE and Sri.N.Mahadevaiah, Divisional Accountant.
- d) Neither M.B nor contract certificate with R.A bills have been produced. Even completion report and quality inspection report have not been produced. Therefore, from the mere production of estimate no opinion can be expressed regarding the execution of work, execution of work in accordance with estimate and quality of work if executed.

**XXXIII. Providing basic amenities (CC Road) at Upparakeri Slum in Holalkere Town.**

- a) The copies of technical report, completion report, CC with first and final bill, comparative statement, royalty statement, test report, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.78-80 of M.B. have been produced.
- b) As per the above documents. Work order No.is 1156/2013-14 dt.5/3/14. Tender agreement is dt.5/3/14.
- c) As per completion report, date of commencement and date of completion are 5/3/14 and 18/4/14 respectively. Date of completion is over written. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- d) As per completion report, measurement is recorded in M.B.No.2650 from page No.78-80. In contract certificate, the date of recording measurement and date of check measurement are written as 5/5/14. In M.B. also date of recording is mentioned as 5/5/14. Date of handing over site and date of completion are written as 5/3/14 and 28/4/14. The signature of Sri.S.D.Patil AE and AEE is found at the end of page No.80. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work.
- e) In M.B. as regards item No.1 to 3 only the total quantity has been recorded and it is written as (Same M.B. P.No.111, 112). The said page No.111 and 112 have not been produced. Therefore there is no prima facie material to show that the works specified in item No.1 to 3 have been verified and measurement recorded. As regards item No.4-6 and 8 measurements have been recorded in M.B. As per estimate the length specified in estimate is 80 Mt and the breadth specified for item No.4 and 5 is 3.7 Mt. The depth specified is 0.15 Mt. But in M.B. the measurements are recorded as  $137.00 \times 3.20 \times 0.10 = 43.84$  cum and  $1.80 \times 3.20 \times 0.10 = 0.57$  cum respectively. For item No.6 measurement has been recorded as  $2 \times 137.00 \times 0.20 = 54.80$  Sqmt, but in estimate it is specified as

2x80x0.30=48.00 Sqmt. As regards item No.7 the measurements are recorded as 18x3.20=57.60 Mt as against 16x3.7=59.20 Mt specified in estimate. Therefore, it can be noticed that the measurements recorded in M.B. are not at all as specified in estimate. Even from comparative statement it can be noticed that there are variations as regards the total quantity in between schedule-B and actual execution. Therefore, there are sufficient materials to substantiate the allegation of the complainant that the work has not been executed as per estimate.

- f) The estimated amount is Rs.4.98 lakhs. Entrusted amount is Rs.4,94,344/-. The first and final bill amount is Rs.4,93,617/-. Adjusted amount is Rs.76,940/-. Cheque amount is Rs.4,16,677/-. Only 1% I.T. is deducted. Cheque date is 13/6/14. SBR No. is 19/14-15 dt.24/5/14. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. Only a test report on CC cubes dt.18/3/13 has been produced. The date of testing is mentioned as 12/3/14. Therefore, the said test report cannot be attached any evidentiary value so as to express opinion regarding the quality of work. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

#### **XXXIV.Construction of CC Road at Kubera Huts Slum in Holalkere Town.**

- a) The copies of technical report, completion report, check list, CC with first and final bill, comparative statement, royalty statement, test report on CC cubes, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.81-83 of M.B. have been produced.
- b) As per the above documents, Work order No.is 1158/2013-14 dt.5/3/14. Tender agreement is dt.5/3/14.

- c) As per completion report, date of commencement and date of completion are 5/3/14 and 30/4/14 respectively. Date of completion is over written. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- d) In check list the date of recording measurement and date of check measurement have not been written. In contract certificate the date of recording measurement and date of check measurement are written as 5/5/14 recorded in page No.81-83 of M.B.2650. In M.B. also date of measurement is mentioned as 5/5/14. Date of handing over site and date of completion are written as 5/3/14 and 30/4/14. The signature of Sri.S.D.Patil, AEE is found at the end of page No.83 even without the date. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work.
- e) In M.B. as regards item No.1 to 3 only the total quantity has been recorded and it is written as (Same M.B. P.No.113). The said page No.113 has not been produced. Therefore there is no prima facie material to show that the works specified in item No.1 to 3 have been verified and measurement recorded. As regards item No.4-6 and 8 measurements have been recorded in M.B. As per estimate the length specified is 89 Mt and the breadth specified for item No.4 and 5 is 3.3 Mt. The depth specified is 0.15 Mt. But in M.B. the measurement of item No.4 and 5 are recorded as  $134.50 \times 3.25 \times 0.10 = 43.71 \text{ cum}$ . For item No.6 measurement has been recorded as  $2 \times 134.50 \times 0.20 = 52.80 \text{ Sqmt}$ . The measurement of item No.7 has been recorded as  $18 \times 3.25 = 58.50 \text{ Mt}$  as against  $18 \times 3.3 = 58.74 \text{ Mt}$ . As regards item No.8 the measurement is recorded as 88.00Mt as against 89.00 mts specified in estimate. Therefore, it can be noticed that the measurements recorded in M.B. are not at all as specified in estimate. Even from comparative statement it can be noticed that there are variations as regards the total quantity in between schedule-B and actual execution.

Therefore, there are sufficient materials to substantiate the allegation of the complainant that the work has not been executed as per estimate.

- f) The estimated amount is Rs.4.97 lakhs. Entrusted amount is Rs.4,93,165/-. The first and final bill amount is Rs.4,89,348/-. Adjusted amount is Rs.76,236/-. Cheque amount is Rs.4,13,112/-. Only 1% I.T. is deducted. Cheque date is 13/6/14. SBR No. is 22/14-15 dt.24/5/14. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. Only a test report on CC cubes dt.18/3/14 has been produced. The date of testing is mentioned as 12/3/14. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXXV. Construction of CC Road at Indira Nagar Slum in Challakere Town.**

- a) The copies of technical report, completion report, check list, CC with first and final bill, comparative statement, royalty statement, test report on CC cubes, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.84-86 of M.B. have been produced.
- b) As per the above documents, Work order No.is 53/2014-15 dt.25/4/14. Tender agreement is dt.24/4/14.
- c) As per completion report, date of commencement and date of completion are 25/4/14 and 19/5/14 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- d) In check list, the date of recording measurement and date of check measurement have not been written. In contract certificate, the date of recording measurement and date of check measurement are written as 24/5/14 recorded in page

No.84-86 of M.B.2650. In M.B. at page No.84 date of recording is written as 24/5/14. Date of handing over site and date of completion are written as 25/4/14 and 19/5/14. The signature of Sri.S.D.Patil AE/AEE is found at the end of page No.83 even without the date. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work.

- e) In M.B. as regards item No.1 to 3 only, the total quantity has been recorded and it is written as (Same M.B. P.No.113&114). The said page No.113&114 has not been produced. Therefore there is no prima facie material to show that the works specified in item No.1 to 3 have been verified and measurement recorded. As regards item No.4-6 and 8 measurements have been recorded in M.B. As per estimate the length specified in estimate is 91.00 Mt and the breadth specified for item No.4 and 5 is 3.2 Mt. The depth specified is 0.15 Mt. But in M.B. the measurement of item No.4 and 5 are recorded as  $98.50 \times 2.95 \times 0.15 = 43.58 \text{ cum}$ . For item No.6 measurement has been recorded as  $2 \times 98.50 \times 0.30 = 59.10 \text{ Sqmt}$ . In estimate the specified measurement of item No.6 is  $2.91 \times 0.3 = 54.60 \text{ Sqmt}$ . As regards item No.7 the measurement has been recorded as  $20 \times 2.95 = 59.00 \text{ Mt}$  as against  $18 \times 3.2 = 58.24 \text{ Mt}$ . As regards item No.8 the measurement is recorded as 89.00Mt as against 91.00 mts specified in estimate. Therefore, it can be noticed that the measurements recorded in M.B. are not at all as specified in estimate. Even from comparative statement it can be noticed that there are variations as regards the total quantity in between schedule-B and actual execution. Therefore, there are sufficient materials to substantiate the allegation of the complainant that the work has not been executed as per estimate.
- f) The estimated amount is Rs.4.96 lakhs. Entrusted amount is Rs.4,89,631/-. The first and final bill amount is Rs.4,88,348/-. Adjusted amount is Rs.66,648/-. Cheque amount is Rs.4,21,700/-. Only 1% I.T. is deducted. Cheque date is 13/6/14. SBR No. is 20/14-15 dt.24/5/14. There is no



signature of the contractor in contract certificate. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.

- g) Quality inspection report is not produced. Only a test report on CC cubes dt.8/5/14 has been produced. The date of testing is mentioned as 1/5/14. The work itself has been completed on 19/5/14 as per completion report. Therefore much evidentiary value cannot be attached to the said report so as to express opinion regarding the quality of work. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXXVI. Providing Mini Water Supply at Channakeshava Badavane Slum at Chitradurga City.**

- a) The copies of technical report, completion report, check list, CC with first and final bill, comparative statement, royalty statement, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.94-103 of M.B.No.2997 have been produced.
- b) As per the above documents, Work order No.is 860/2013-14 dt.28/12/13. Tender agreement is dt.28/12/13.
- c) As per completion report, date of commencement and date of completion are 30/12/13 and 16/1/14 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- d) In check list the date of recording measurement and date of check measurement have not been mentioned. In contract certificate the date of recording measurement and date of check measurement are written as 18/1/14 recorded in page No.94-105 of M.B.2997. In page No.94 of M.B. date of measurement is written as 18/1/14. Date of mark out and date of completion are written as 30/12/13 and 16/1/14. The

signatures of Sri.S.D.Patil AE, AEE are found only in page No.103 at the end even without mentioning the date. The quantities and measurement recorded in M.B. are nothing but reiteration of estimate. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work.

- e) The estimated amount is Rs.4.96 lakhs. Entrusted amount is Rs.4,92,728/-. The first and final bill amount is Rs.4,65,618/-. Adjusted amount is Rs.52,043/-. Cheque amount is Rs.4,13,575/-. Only 1% I.T. is deducted. Cheque date is 30/1/14. In contract certificate, there is no signature of the contractor, but bill amount and check amount have been over written. The details in memorandum of payment are not clearly filled up. In RA first and final bill, the quantities and amounts have been altered. The printed figures have been founded off and fresh numerics have been written without the signature of the concerned officer. No modified estimate has been produced to show that there was approval by the appropriate authority for changing the rate and amount. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- f) Quality inspection report is not produced. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXXVII. Providing Mini Water Supply at Janatha Colony Slum at Challakere Town.**

- a) The copies of technical report, completion report, check list, CC with first and final bill, comparative statement, royalty statement, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.51-55 of M.B.No.2997 have been produced.

- b) As per the above documents, Work order No. is 859/2013-14 dt. 28/12/13. Tender agreement is dt. 28/12/13. Agreement number is left blank.
- c) As per completion report, date of commencement and date of completion are 1/1/14 and 3/2/14 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- d) In contract certificate, the date of recording measurement and date of check measurement are mentioned as 3/2/14 recorded in page No.50-62 of M.B.No.2650. Page No.51 to 55 of M.B. have been produced and in page No.51 M.B.No., is written as 2997 has been produced. The name of work is written as sinking of bore well to Channakeshava Badavane Slum in Chitradurga City. Therefore, M.B. extract produced does not relate to the work in question. But in technical report it has been noted that the work relating to providing mini water supply to Janatha Colony Slum at Challakere Town has been recorded in page No.50-62 of M.B.2997. No other M.B. has been produced. Even considering the contract certificate and estimate, it is highly improbable that on a single day entire work has been verified and measurements are recorded. There is no stage wise verification of work.
- e) Even from comparative statement it can be noticed that the quantities vary as specified in schedule-B with that of actual execution.
- f) The estimated amount is Rs.4.99 lakhs. Entrusted amount is Rs.4,95,610/-. The first and final bill amount is Rs.4,70,780/-. Adjusted amount is Rs.52,638/-. Cheque amount is Rs.4,18,142/-. Only 1% I.T. is deducted. Cheque date is 21/2/14. The signature of the contractor and officer incharge of the work are not found in contract certificate. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report, M.B. and discrepancies

in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXXVIII. Providing Mini Water Supply at Janatha Colony Pakka Slum at Challakere Town.**

- a) The copies of technical report, completion report, check list, CC with first and final bill, comparative statement, royalty statement, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.63-104 of M.B.No.2650 have been produced.
- b) As per the above documents, Work order No.is 861/2013-14 dt.28/12/13. Tender agreement is dt.28/12/13. Agreement number is not mentioned.
- c) As per completion report, date of commencement and date of completion are 1/1/14 and 3/2/14 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- d) In contract certificate, date of recording measurement and date of check measurement are written as 3/2/14 recorded in page No.63-74 of M.B.2650. Page No.63-74 and 104 have been produced. In page No.63 M.B.No., is written as 2560. Date of recording is mentioned as 3/2/14. Date of mark out and date of completion are written as 1/1/14 and 3/2/14. The signatures of the officer incharge of the work and sub-Divisional officer Sri.S.D.Patil AE/AEE are found only at the end at page No.74. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work.
- e) The measurements recorded in M.B. with respect to raising main vary with that specified in estimate. In estimate the length and breadth specified are 35.00 Mt and 0.60 Mt respectively. But in M.B. at page No.68, the measurements are recorded as 33.0x0.60x0.90 and 35.00x0.60x0.30. Even from

comparative statement it can be noticed that there are variations as regards quantity in between schedule-B and actual execution. Therefore, there are materials to corroborate the allegation that the work has not been executed as per estimate.

- f) The estimated amount is Rs.4.97 lakhs. Entrusted amount is Rs.4,94,558/-. The first and final bill amount is Rs.4,70,339/-. Adjusted amount is Rs.52,590/-. Cheque amount is Rs.4,17,749/-. Only 1% I.T. is deducted. Cheque date is 21/2/14. In contract certificate, there is no signature of the contractor. Amount of cess has been over written. The details in memorandum of payment are not clearly filled up. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XXXIX. Providing Mini Water Supply at Channakki Honda Slum in Chitradurga City.**

- a) The copies of technical report, completion report, check list, CC with first and final bill, comparative statement, royalty statement, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.38-49 of M.B.No.2650 have been produced.
- b) As per the above documents, Work order No. is 864/2013-14 dt.28/12/13. Tender agreement No. is 14 dt.28/12/13.
- c) As per completion report, date of commencement and date of completion are 4/1/14 and 1/2/14 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.

- d) In contract certificate, date of recording measurement and date of check measurement are written as 1/2/14 recorded in page No.38-49 of M.B.2650. In page No.38 M.B.No.2650 date of recording is mentioned as 1/2/14. Date of mark out and date of completion are written as 4/1/14 and 1/2/14. The signatures of the officer incharge of the work and sub-Divisional officer Sri.S.D.Patil AE/AEE are found only at the end at page No.48 even without mentioning date. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work. The recordings in M.B. are replica of estimate.
- e) The estimated amount is Rs.4.98 lakhs. Entrusted amount is Rs.4,91,712/-. The first and final bill amount is Rs.4,66,756/-. Adjusted amount is Rs.52,190/-. Cheque amount is Rs.4,14,566/-. Only 1% I.T. is deducted. Cheque date is 21/2/14. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- f) Quality inspection report is not produced. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XL. Providing Mini Water Supply at Kamanabavi Slum in Chitradurga City.**

- a) The copies of technical report, completion report, check list, CC with first and final bill, comparative statement, royalty statement, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.72-82 of M.B.No.2997 have been produced.
- b) As per the above documents, in the Work order neither the number nor the date is mentioned. Tender agreement is dt.28/12/13.

- c) As per completion report, date of commencement and date of completion are 30/12/13 and 15/1/14 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- d) In contract certificate, date of recording measurement and date of check measurement are written as 18/1/14 recorded in page No.72-82 of M.B.2997. In page No.72 of M.B.No.2997 date of measurement is mentioned as 18/1/14. Date of mark out and date of completion are written as 30/12/13 and 15/1/14. The signatures of the officer incharge of the work and sub-Divisional officer Sri.S.D.Patil AE/AEE are found only at the end in page No.82 even without mentioning date. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work.
- e) As regards length and breadth of raising main in estimate the specified measurement are 34.00 and 0.60 Mt. But in M.B.at item No.29 and 30 the said measurements have been recorded as 33.00x0.60x0.90 and 33.0x0.60x0.30 cum respectively.
- f) Even according to comparative statement, there are variations in between schedule-B and actual execution as regards the total quantity.
- g) The estimated amount is Rs.4.98 lakhs. Entrusted amount is Rs.4,97,038/-. The first and final bill amount is Rs.4,68,214/-, adjusted amount is Rs.52,351/-, and cheque amount is Rs.4,15,863/-. Only 1% I.T. is deducted. Cheque date is 30/1/14. SBR No. is 50/13-14 dt.18/1/14. There is no signature of the contractor to the contract certificate. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- h) Quality inspection report is not produced. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined

that there are prima facie materials to substantiate the allegations of the complainant.

**XLI. Providing Mini Water Supply at Maruthinagara Slum in Chitradurga City.**

- a) The copies of technical report, completion report, check list, CC with first and final bill, comparative statement, royalty statement, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.60-71 of M.B.No.2997 have been produced.
- b) As per the above documents, Work order No. is 865/13-14 dt.28/12/13. Tender agreement is dt.28/12/13. Agreement number is not found.
- c) As per completion report, date of commencement and date of completion are 30/12/13 and 15/1/14 respectively. Date of completion is over written. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- d) In contract certificate, date of recording measurement and date of check measurement are written as 18/1/14, recorded in page No.60-71 of M.B.2997. In page No.60 of M.B.No.2997 date of measurement is mentioned as 18/1/14. Date of mark out and date of completion are written as 30/12/13 and 15/1/14. The signatures of the officer incharge of the work and sub-Divisional officer Sri.S.D.Patil AE/AEE are found only at the end in page No.71, even without mentioning date. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be verified and measurement recorded. Therefore, there is no stage wise verification of work. The recordings in M.B. are replica of estimate.
- e) Even according to comparative statement there are variations in between schedule-B and actual execution as regards the total quantity.
- f) The estimated amount is Rs.4.97 lakhs. Entrusted amount is Rs.4,93,257/-. The first and final bill amount is Rs.4,68,840/-.



Adjusted amount is Rs.52,419/-. Cheque amount is Rs.4,16,421/-. Only 1% I.T. is deducted. Cheque date is 30/1/14. SBR No. is 47/13-14 dt.18/1/14. There is no signature of the contractor to the contract certificate. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.

- g) Quality inspection report is not produced. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XLII. Providing Mini Water Supply at Mustigara Hatti Slum in Holalkere Town.**

- a) The copies of technical report, completion report, check list, CC with first and final bill, comparative statement, royalty statement, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.49-60 of M.B, have been produced.
- b) As per the above documents, Work order No.1155/13-14 is dt.5/3/14. Tender agreement No.35 is dt.5/3/14.
- c) As per completion report, date of commencement and date of completion are 5/3/14 and 20/3/14 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- d) In contract certificate, date of recording measurement and date of check measurement are written as 22/3/14 recorded in page No.49-60 of M.B.3016. In page No.49 of M.B.No.3016 date of recording measurement is mentioned as 22/3/14. Date of mark out and date of completion are written as 5/3/14 and 20/3/14. The signatures of the officer incharge of the work and sub-Divisional officer Sri.S.D.Patil AE/AEE are found only at the end in page No.59 even without mentioning date. Considering the nature of work and quantum of work it seems improbable that on a single day the entire work could be

verified and measurement recorded. Therefore, there is no stage wise verification of work.

- e) As regards the measurements relating to raising main in estimate the specified measurement of length and width are 35.00 and 0.60. But in M.B. they are recorded as 30.00x0.60x0.90. Therefore, there is variation regarding the actual measurement of raising main with that specified in estimate.
- f) Even according to comparative statement, there are variations in between schedule-B and actual execution as regards the total quantity.
- g) The estimated amount is shown as Rs.7 lakhs in work order. In the face sheet of estimate Rs.4.99 lakhs has been struck off and written as Rs.7 lakhs. Entrusted amount is Rs.4,95,175/-, the first and final bill amount is Rs.4,69,772/-, adjusted amount is Rs.54,884/-, and cheque amount is Rs.4,14,888/-. Only 1% I.T. is deducted. Cheque date is 28/3/14. SBR No.73/13-14 is dt.25/3/14. There is no signature of the contractor to the contract certificate. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- h) Quality inspection report is not produced. Copies of photographs are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XLIII. Construction of CC drains, CD works and CC Road at Janatha Colony Slum at Challakere Town.**

- a) The copies of CC with first and final bill, test report on CC cubes, photos, page No.61-70 of M.B.No.3016, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, work estimate details, have been produced.
- b) As per the above documents, Work order No. is 984/13-14 dt.31/1/14. Tender agreement No. is 20/2013-14 dt.31/1/14.

- c) Due date of commencement is the date of handing over of site and due date of completion is 3 months from the date of handing over site. Completion report is not produced. In page No.61 of M.B.3016 date of handing over site and the date of completion are written as 28/2/14 and 20/3/14 respectively.
- d) From contract certificate, M.B, and report accompanying tender papers it is to be gathered that the officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- e) In contract certificate and also M.B, the date of recording measurement is written as 22/3/14. Date of check measurement is also written as 22/3/14. Therefore, after completion of entire work on a single day the entire measurements have been recorded in M.B. Hence it is to be observed that it is quite impossible that on a single day entire work can be verified and measurements recorded. Hence, it becomes clear that there is no stage wise verification of work.
- f) In M.B. as regards measurements of item No.1, 2, 8, 9, 12, 14, 15, 18, by mentioning the total quantity it is written as (same M.B. P.No.102, 103, 104). The said page No.102-104 have not been produced. Therefore, there are no materials to make out that measurements regarding the works specified in above items have been verified and recorded. As regards item No.3, 6, 10, 11, 16, and 19 measurements have been recorded. But the estimate having not been produced no opinion can be expressed as regards the execution of the work specified in above items as per estimate. A print out of work estimate details has been produced. It does not bear the seal and signature of the concerned authority. Even according to the extract recorded in M.B. the total quantities vary with that mentioned in schedule-B. But in page No.68 where the said abstract has been recorded the name of work is mentioned as 'construction of CC road, CC drain and CD work at Gopalpura Slum Sy.No.2 in Hiriyur'. Therefore it is to be gathered that page No.68 to 70 do not relate to the present work. But, in contract certificate it is stated that the measurements are

recorded in page No.61-70 of M.B.3016. Another copy of M.B. page No.61-67 has been produced, and in the last page No.67, the bill details have been mentioned. Therefore, in between these 2 M.B. extracts there are variations.

- g) As per work order, the estimated amount is Rs.25 lakhs. Entrusted amount is Rs.18,84,548/-. The first and final bill amount is Rs.18,64,641/-. Adjusted amount is Rs.2,53,100/- and cheque amount is Rs.16,11,541/-. Only 1% I.T. is deducted. Cheque date is 28/3/14. SBR No. is 72/13-14. There is no signature of the contractor to the contract certificate. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- h) Quality inspection report is not produced. A test report on CC cubes dt.18/3/13 has been produced, wherein the date of testing is written as 7/3/13. According to work order it has been issued on 31/1/14 as per the agreement dt.31/1/14. Tender notification itself is dt.6/12/13. Therefore, according to the above test report much earlier to the tender notification itself at the instance of the contractor the said test report has been issued. Therefore, these discrepancies create doubt regarding the genuineness of the said documents itself. Copies of photos are not at all visible. Therefore, from the non production of quality inspection report, estimate and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XLIV. Providing basic amenities (CC Road, water supply and culverts) at Channakeshava Badavane Slum Chitradurga City.**

- a) The copies of check list, completion report, technical report, CC with first and final bill, comparative statement, royalty statement, test report on CC cubes, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, page No.40-45 of M.B, have been produced.
- b) As per the above documents, Work order No. is 835/12-13 dt.20/2/13. Tender agreement No. is 58/12-13 dt.20/2/13.

- c) As per completion report, the date of commencement and due date of completion are 22/2/13 and 16/5/13. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In contract certificate, the date of recording measurement and date of check measurement are written as 17/5/13 recorded in page No.40-44 of M.B.No.3016. Page No.40-45 have been produced. In page No.40, dates of measurement are written as 27/2/13, 28/2/13, 25/3/13, 26/4/13 and date of final measurement as 17/5/13. But the signatures of the officers incharge of the work and the sub-divisional officer, Sri.S.D.Patil are found only at the end in page No.44 even without mentioning the date. Therefore, there is no material to make out that the measurements are verified and recorded on 27/2/13, 28/2/13, 25/3/13, 26/4/13 and 17/5/13 as stated in page No.40 of M.B. Infact from page No.42 and 43 it can be observed that the measurement relating to item No.10 has been inserted subsequently.
- e) As regards item No.1, 8, 6, 7, 2, 9, 18, 10, 11, 16, the total quantities have been mentioned and it is written as (M.B.No.2362 P.No.105, 106, 107), the said page No.105 - 107 of M.B.2362 are not produced. Therefore, there are no materials to show that the works specified in the above items have been verified and measurement recorded. Estimate is not produced. Therefore, as regards the other items of work no opinion can be expressed as regards the correctness of the said recordings and that the said recordings are as specified in estimate.
- f) From comparison of schedule-B and R.A first and final bill also, it can be noticed that the total quantity as shown in schedule-B with respect to item No.1 to 4, 6, 7, 9, 14, 16, 18, vary with each other and lesser quantities are shown in RA first and final bill. Therefore, there are materials to propabalise that the work has not been executed as per estimate.
- g) As per work order, the estimated amount is Rs.24.99 lakhs. Entrusted amount is Rs.24,95,459/-. The first and final bill

amount is Rs.24,84,956/-. Adjusted amount is Rs.3,40,316/-. Cheque amount is Rs.21,44,640/-. Only 1% I.T. is deducted. Cheque date is 30/5/15. SBR No.8/13-14 is dt.17/5/13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.

- h) Quality inspection report is not produced. Test report on CC cubes dt.17/5/13 has been produced. The date of completion itself is 17/5/13. Therefore, much evidentiary value cannot be attached to the said report so as to express opinion regarding the quality of work. Copies of photos are not visible.
- i) Therefore, from the non production of quality inspection report, estimate and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XLV.Construction of (CC Road, CC drain and CD works) at Gopalpura Sy.No.2 Slum, in Hiriyur Town.**

- a) The copies of CC with first and final bill, measurement sheet, comparative statement, royalty statement, photos, test reports, work order, tender agreement, schedule-B, report accompanying tender papers, work estimate details, page No.68-70 of M.B, have been produced.
- b) As per the above documents, Work order No. is 1150/13-14 dt.5/3/14. Tender agreement No. is 36/13-14/14 dt.5/3/14.
- c) Due date of commencement and due date of completion are the date of handing over of site and 3 months from the date of handing over site respectively as per work order. Completion report is not produced. As per page No.68 of M.B. date of mark out and date of completion are 29/5/14 and 5/7/14 respectively. As per work order the contractor had to obtain mark out from AEE within 7 days from the date of receipt of work order. Therefore, there is delay in commencement of work. Hence, non production of completion report is to be held fatal. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.

- d) In contract certificate, the dates of recording measurement and dates of check measurement are written as 7/6/14, 19/6/14, 27/6/14, and 9/7/14, recorded in page No.68-70 of M.B.No.3016. Page No.68-70 have been produced. M.B. number has not been written. In page No.68 date of mark out and date of completion are written as 3/5/14, and 5/7/14. Date of measurement is written as 9/7/14. Measurements of none of the items of work are found in page No.68-70 of the said M.B.
- e) On the other hand a measurement sheet has been produced, but even as per KPWD Code it cannot substitute measurement book. Even in that measurement sheet, the dates of recording measurement and the signature and endorsement of officer who has recorded the measurement are not found. Therefore, there arises doubt regarding the verification and recording of measurement in the measurement book as prescribed in KPWD Code. Therefore there is no material to make out that the work has been executed as per estimate. Even as per comparative statement there are variations in quantities in between the sanctioned estimate and actual execution.
- f) As per work order, the estimated amount is Rs.50 lakhs. Entrusted amount is Rs.25,51,903/-. The first and final bill amount is Rs.25,44,970/-. Adjusted amount is Rs.3,91,282/-. Cheque amount is Rs.21,53,688/-. Only 1% I.T. is deducted. Cheque date is 17/7/14. SBR No. is 33/14-15 dt.10/7/14. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. Test reports have been produced. Test report on sieve analysis of sand is dt.26/5/14. 2 test reports on coars aggregate is dt.25/4/14. Test report on concrete cubes dt.30/6/14 and 7/7/14 have been produced. As per page No.68 of M.B. date of completion is 4/7/14. Test report on CC cubes is dt.7/7/14 and date of testing is mentioned as 5/7/14. Therefore, test report has been obtained subsequent to the alleged completion of work. Therefore, much evidentiary value cannot be attached to the

said report so as to express opinion regarding the quality of work. Copies of photos are not at all visible.

- h) Therefore, from the non production of quality inspection report, completion report, estimate, and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XLVI. Providing basic amenities (CC Road, water supply and culvert) at Jajjarahatti Slum, in Chitradurga City.**

- a) The copies of check list, completion report, technical report, CC with first and final bill, comparative statement, royalty statement, test report, photos, work order, tender agreement, schedule-B, report accompanying tender papers, estimate, tender notification, page No.45-48 of M.B, have been produced.
- b) As per the above documents, Work order No. is 833/12-13 dt.20/2/13. Tender agreement No. is 56/12-13 dt.20/2/13.
- c) As per completion report, date of commencement and date of completion are 22/2/13 and 14/5/13 respectively. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE/AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In contract certificate, the date of recording measurement and date of check measurement are written as 17/5/13 recorded in page No.45-48 of M.B.No.3016. Page No.45-48 of M.B., have been produced, In page No.45 of M.B. date of mark out and date of completion are written as 22/2/13, and 15/5/13. Dates of measurement are written as 26/2/13, 28/2/13, 25/3/13, 26/3/13 and date of final measurement as 17/5/13. But officer incharge of the work and sub-divisional officer, Sri.S.D.Patil has signed only at the end in page No.47 below the writings 'recorded by me' and 'checked and found correct'. Even the date has not been mentioned. Therefore there is no material at all to show that the works are verified stage wise and Measurements are recorded on 26/2/13, 28/2/13, 25/3/13, 26/3/13 and 17/5/13 by the officer incharge of the work and the sub-divisional officer. Even otherwise it is quite



- impossible that on a single day the entire work can be verified and measurements recorded.
- e) The detailed measurements of only item No.2, 3 and 5 have been recorded in M.B, but as regards item No.1, 8, 6, 7 and 4 by mentioning the total quantity it has been written as (same M.B. P.No.101 & 102). However page No.101 and 102 have not been produced. Therefore, it cannot be said that the works specified in item No.1, 4, 6 to 8 have been verified and measurements have been recorded in M.B. As regards item No.2 and 3 the measurements of length, width and depth are specified in estimate as 132.00, 4.00 and 0.10 respectively. In M.B. the measurements are recorded as  $(60.0 \times 4.80 \times 0.20 = 57.60) + (63.0 \times 3.80 \times 0.20 = 47.88) = 105.48$  cum and  $60.00 \times 4.80 \times 0.10 = 28.80 + 63.0 \times 3.80 \times 0.10 = 23.94 = 52.74$  cum. Even for item No.5 as against the measurements specified in estimate as  $2 \times 132.00 \times 0.30$ . In M.B. it is recorded as  $2 \times 60 = 120.00$  Sq.mt,  $+ 2 \times 63.00 = 126.00$  Sq.mt. with total quantity as 246.00 Sq.mt. There is total variation and page No.45-48 of M.B. produced would substantiate the allegation of the complainant.
- f) As per work order, the estimated amount is Rs.10 lakhs. Entrusted amount is Rs.9,99,115/-. The first and final bill amount is Rs.9,97,620/-. Adjusted amount is Rs.1,22,435/-. Cheque amount is Rs.8,75,185/-. Only 1% I.T. is deducted. Cheque date is 30/5/13. SBR No.6 is dt.17/5/13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. Test report on CC cubes dt.17/5/13 is produced. Date of testing is mentioned as 27/4/13. As per completion report date of completion is dt.14/5/13. Therefore, much evidentiary value cannot be attached to the said report so as to express opinion regarding the quality of work. Copies of photos are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XLVII. Providing basic amenities (CC Road, water supply and culverts) at Santhe Mydana Slum, in Chitradurga City.**

- a) The copies of check list, completion report, technical report, CC with first and final bill, comparative statement, royalty statement, test reports, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.34-40 of M.B, have been produced.
- b) As per the above documents, Work order No. is 838/12-13 dt.20/2/13. Tender agreement No. is 57/12-13 dt.20/2/13.
- c) As per completion report, the date of commencement is 22/2/13 and date of completion is 15/5/13. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE/AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In contract certificate, the date of recording measurement and date of check measurement are written as 17/5/13 recorded in page No.31-39 of M.B.No.3016. Page No.34-40 have been produced, but M.B.number is not found. Therefore there are variations as regards the actual page numbers of measurement book in which measurements have been allegedly recorded. In page No.34 of M.B date of mark out and date of completion are written as 23/2/13, 15/5/13. Dates of measurements are written as 26/2/13, 28/2/13, 25/3/13, and 26/4/13. Date of final measurement is written as 17/5/13. But the signatures of the officer incharge of the work and the sub-divisional officer Sri.S.D.Patil are found only at the end in page No.39 even without mentioning the date. Therefore, there is no material to make out that the measurements are verified and recorded on 26/2/13, 28/2/13, 25/3/13, 26/4/13 and 17/5/13. Even otherwise it seems improbable that on a single day entire work can be verified and measurements recorded stage wise.
- e) As regards item No.1, 8, 6, 7, 4, 2, 9, 18, 10, 11, 16, the total quantities have been mentioned and it is written as (M.B.No.2248 P.No.106, 107, 108). The said page No.106- 108 of M.B.2248 are not produced. Therefore, there are no

materials to show that the works specified in the above items have been verified and measurement recorded. As regards item No.3, 12, 13, 15 measurements have been recorded. Even the measurements of above items recorded in M.B do not tally with that specified in estimate. Even as per comparative statement there are variations in quantities in between schedule-B and as per actual execution. Therefore, the allegation of the complainant is substantiated.

- f) As per work order, the estimated amount is Rs.24.96 lakhs. Entrusted amount is Rs.24,88,864/-. The first and final bill amount is Rs.24,85,066/-. Adjusted amount is Rs.3,48,753/-. Cheque amount is Rs.21,36,313/-. Only 1% I.T. is deducted. Cheque date is 30/5/13. SBR No. is 7/13-14 dt.17/5/13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. Test report on CC cubes dt.17/5/13 has been produced. The date of testing is mentioned as 2/5/13. As per completion report on 15/5/13 itself the work had been completed. Therefore, much evidentiary value cannot be attached to the said report so as to express opinion regarding the quality of work. Copies of photos are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XLVIII. Providing basic amenities (CC Road, water supply and culverts) at Nehru Nagara Slum, in Chitradurga City.**

- a) The copies of check list, completion report, technical report, CC with first and final bill, comparative statement, royalty statement, test report on CC cubes, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, estimate, page No.19-26 of M.B, have been produced.
- b) As per the above documents, Work order No. is 836/12-13 dt.20/2/13. Tender agreement No. is 59/12-13 dt.20/2/13.

- c) As per completion report, the date of commencement and date of completion are 22/2/13 and 28/3/13. The officers who have executed the work and passed the bill are Sri.S.D.Patil, AE/AEE, Sri.R.K.Krishnamurthy, EE, and Sri.N.Mahadevaiah, Accounts Superintendent.
- d) In contract certificate, the date of recording measurement and date of check measurement are written as 23/2/13, 26/2/13, 28/2/13, 25/3/13, 12/4/13 recorded in page No.19-25 of M.B.No.3016. In Page No.19 of M.B date of mark out and date of completion are written as 22/2/13, and 28/3/13 and dates of measurements are recorded as 26/2/13, 28/2/13, 25/3/13 and 12/4/13. But there is no endorsement and signature of the officer incharge of the work and the sub-divisional officer. In the subsequent pages of M.B, it shows that on all the above dates works were verified and measurements are recorded stage wise. Only at the end in page No.25 the signatures of officer incharge of the work and the sub-divisional officer are found even without mentioning the date. Further as regards item No.1, 8, 6, 7, 4, 2, 9, 18, 10, 11, 16, by mentioning the total quantity it is written as (M.B.No.2523 P.No.105, 106, 107) the said page No.105-107 of M.B.2523 are not produced. Therefore, there are no materials to show that the works specified in the above items have been verified and measurements have been recorded. Therefore there are no materials to show that measurements have been recorded on the above mentioned dates. Even as regards item No.3, 5, 12, 13, 17 which have been recorded, there are variations in measurements in between the estimate and M.B. As per comparative statement also there are variations with regard to total quantity in respect of some items of work in R.A first and final bill. The quantities and amounts have been altered by rounding off the printed numericals and writing different numerics of item No.1, 6, 15 and total amount.
- e) As per work order, the estimated amount is Rs.24.97 lakhs. Entrusted amount is Rs.24,95,759/-. The first and final bill amount is Rs.24,95,201/-. Adjusted amount is Rs.3,47,690/-. Cheque amount is Rs.21,47,511/-. Only 1% I.T. is deducted.

Cheque date is 2/5/13. SBR No.3/13-14 is dt.15/4/13. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.

- f) Quality inspection report is not produced. Test report on CC cubes dt.12/4/13 has been produced. The date of testing is mentioned as 1/4/13. As per completion report, the date of completion itself is 28/3/13. Therefore, much evidentiary value cannot be attached to the said report so as to express opinion regarding the quality of work. Copies of photos are not clearly visible. Therefore, from the non production of quality inspection report and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**XLIX. Construction of (CC Road, CC drain and CD works) at different Slums, in Holalkere Town.**

- a) The copies of completion report, check lists, CC with third and final bill, measurement sheet relating to third and final bill, comparative statements, royalty statements, photos, test reports, technical reports, CC with second and part bill, measurement sheet relating to second and part bill, CC with first and part bill, measurement sheet relating to first and part bill, work order, tender agreement, schedule-B, report accompanying tender papers, work estimate details, page No.83-87, page No.78-82 and page No.75-77 of M.B.No.3016 have been produced.
- b) As per the above documents, Work order No. is 189/14-15 dt.4/7/14. Tender agreement No. is 4/14-15 dt.4/7/14.
- c) As per completion report, the date of commencement and date of completion are 31/8/14 and 28/3/15 respectively. As per work order the stipulated date of commencement was the date of handing over site. Further it is directed that the contractor shall contact the Assistant Executive Engineer, KSDB Sub-Division, Tumkur within 7 days from the date of receipt of the work order and obtain the mark out to start the work immediately or otherwise the date of agreement shall be considered as the date of commencement. In page No.75 of

- M.B.3016, date of handing over site is written as 31/8/14. Therefore, there is inordinate delay in commencement of work.
- d) As per work order, the due date of completion was 4 months from the date of handing over site. According to completion report, the date of completion is 28/3/15. Therefore, even from the date 31/8/14, the work has not been completed within 4 months as stipulated in work order. Therefore, there is delay in completion of work also. No explanation has been given in this regard.
- e) As per completion report and contract certificate, the officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- f) In CC with first and part bill, the dates of recording measurement and dates of check measurement are written as 12/9/14, 20/9/14, 10/11/14, 14/11/14 of page No.75-77 of M.B.3016. In CC with second and part bill, the dates of recording measurement and the dates of check measurement are written as 14/11/14, 29/11/14, and 12/12/14 recorded in page No.78-81 of M.B.No.3016. In CC with third and final bill, the dates of recording measurement and date of check measurement are written as 2/4/15 recorded in page No.83-87 of M.B.No.3016. Page No.75-77, 78-82 and 83-87 of M.B.No.3016 have been produced, but in none of the said pages of M.B., the detailed measurements of any of the items of work have been recorded. Only the abstract and bill details have been recorded. Therefore there is no material at all to make out that each stage of work has been verified, measurements verified and recorded in measurement book as per KPWD Code and as per para 301 and appendix-7 which deals with Rules for taking measurements and keeping measurement books. Along with RA bills measurement sheets have been produced. As provided in Rule-5 of appendix 7 in no case measurement sheets or extracts from measurement book can be accepted as a substitute for M.B book itself. It is further provided in Rule 5(ii) that all measurements of work and materials should be recorded in authorized measurement

books in form No.PWG 27 at once and on the spot. It is further provided that the entries in the measurement book should be made in ink only. It is further provided in Rule-7 that public work officers should see that the subordinates get the works executed, record measurements immediately after the works are completed so as to prevent loss to Government due to the work becoming not susceptible of measurements after a lapse of time. Therefore, the printed measurement sheets produced along with R.A.bills cannot be considered to conclude that measurements have been recorded pertaining to each work executed at the spot immediately after completion of the said work. Even in the said measurement sheet the dates on which measurements have been verified, recorded and check measured have not been mentioned. Moreover detailed estimate has not been produced. In the absence of production of estimate showing the details of measurement and quantity specified no opinion can be expressed that there is execution of work as per estimate.

- g) As per work order, estimated amount is Rs.75 lakhs. Entrusted amount is Rs.61,16,667/-. First and part bill amount is Rs.18,90,934/-. Adjustment amount is Rs.2,90,551/-. Cheque amount is Rs.16,00,383/-. Cheque date is 19/11/14. 1% of IT is deducted. SBR No.55 dt.18/11/14. The second and part bill amount is Rs.24,89,873/-. Adjusted amount is Rs.3,60,718/-. Cheque amount is Rs.21,29,155/-. Cheque dt. is 31/12/14. 1% of IT is deducted. The third and final bill amount is Rs.4,46,929/-. Adjusted amount is Rs.69,867/-. Cheque amount is Rs.3,77,062/-. Cheque dt. is 5/5/2015. SBR No. is 1 dt.15/4/15. 1% of IT is deducted. In RA bills and also measurement sheets there are alterations of numerics by rounding off the printed numerics and there are hand written numerics. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- h) Quality inspection report is not produced. Along with third and final bill, test report on CC cubes dt.30/3/15 has been produced wherein date of testing is shown as 28/3/15. As per completion report the date of completion itself is 28/3/15.

Along with second and part bill, test report on CC cubes dt.19/12/14 with date of testing as 18/12/14 has been produced, but the last date of measurement and check measurement with respect to the said bill is mentioned as 12/12/14. Along with first and part bill test report on CC cubes dt.12/11/14 with date of testing as 11/11/14 has been produced. But according to the said contract certificate, the last date of recording measurement and check measurement with respect to the said bill is 14/11/14. Therefore the test reports produced in the above report cannot be attached any value so as to express opinion regarding the quality of work. Copies of photos are not clearly visible. Therefore, from the non production of quality inspection report, estimate, M.B, and discrepancies in between the documents as discussed above, it is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**L. Construction of (CC Road, CC drain and CD works) at Gandhinagara, Kalleshwara Badavane and behind Muslim Gori Slums, in Hosadurga Town.**

- a) The copies of check list, technical report, CC with first and final bill, completion report, comparative statement, royalty statement, test reports, photos, work order, tender agreement, schedule-B, report accompanying tender papers, print out of work estimate details, have been produced.
- b) As per the above documents, Work order No. is 1035/13-14 dt.18/2/14. Tender agreement No. is 22/13-14 dt.18/2/14.
- c) As per completion report, the date of commencement and date of completion are 5/3/14 and 2/5/14 respectively. As per work order, the stipulated date of commencement was the date of handing over site. Further it is directed that the contractor shall contact the Assistant Executive Engineer, KSDB Sub-Division, Tumkur within 7 days from the date of receipt of the work order and obtain the mark out to start the work immediately or otherwise the date of agreement shall be considered as the date of commencement. Therefore, there is inordinate delay in commencement of work.



- d) As per completion report and contract certificate, the officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- e) In contract certificate, the date of recording measurement and date of check measurement are written as 3/5/14 recorded in page No.17-38 of M.B.3019. However the said M.B.3019 has not been produced. Even the estimate has also not been produced. A print out of work estimate details has been produced which does not bear the seal or signature of the concerned authority. Therefore, from the mere production of CC with first and final bill, it cannot be concluded that the work has been executed as per estimate. Even according to the contract certificate, the entire measurements have been verified and recorded on a single day. Considering the quantum of work and nature of work, it is improbable that on a single day the entire work and measurement have been verified and recorded. The date of recording measurement is shown as 3/5/14. The date of completion is shown as 2/5/14. Therefore even according to contract certificate, entire measurements have been verified subsequent to the completion of the entire work. Therefore, there is no stage wise verification of work.
- f) As per work order estimated amount is Rs.25 lakhs. Entrusted amount is Rs.20,83,239/-. First and final bill amount is Rs.20,69,084/-. Adjustment amount is Rs.3,11,029/-. Cheque amount is Rs.17,58,055/-. Cheque date 15/5/14. 1% of IT is deducted. SBR No. is 3/14-15 dt.3/5/14. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. Only the test report on sand and cement dt.7/3/14 have been produced, which does not help the respondents in any manner to prove that the prescribed quality has been maintained. Copies of photos are not clearly visible. Therefore, from the non production of quality inspection report, estimate, M.B, and discrepancies in between the documents as discussed above, it is to be opined

that there are prima facie materials to substantiate the allegations of the complainant.

**LI. Construction of (CC Road, CC drain and CD works) at Swamy Vivekananda Nagara in Chitradurga Town.**

- a) The copies of completion report, check list, technical report, CC with first and final bill, measurement sheet, comparative statement, royalty statement, test reports, photos, work order, tender agreement, schedule-B, report accompanying tender papers, tender notification, work estimate details, page No.72-74 of M.B.3016 have been produced.
- b) As per the above documents, Work order No. is 1152/13-14 dt.5/3/14. Tender agreement No. is 27/13-14 dt.5/3/14.
- c) As per completion report, the date of commencement and date of completion are 28/5/14 and 6/8/14 respectively. As per work order, the stipulated date of commencement was the date of handing over site. Further it is directed that the contractor shall contact the Assistant Executive Engineer, KSDB Sub-Division, Tumkur within 7 days from the date of receipt of the work order and obtain the mark out to start the work immediately or otherwise the date of agreement shall be considered as the date of commencement. Therefore, there is delay in commencement of work.
- d) As per completion report and contract certificate, the officers who have executed the work and passed the bill are Sri.S.D.Patil, AE & AEE, Sri.R.K.Krishnamurthy, EE, and Sri.H.G.Krishnamurthy, Accounts Superintendent.
- e) In contract certificate, the date of recording measurement and date of check measurement are written as 11/8/14 recorded in page No.72-73 of M.B.3016. Page No.72-74 of M.B.3016 have been produced. In page No.72 date of measurement is written as 11/8/14. In none of the pages 72-74, the detailed measurement of each item of work has been recorded. Only the abstract and bill details have been recorded. Even in the abstract there are over writings and insertions. Along with RA bills measurement sheets have been produced. As provided in Rule-5 of appendix VII in no case measurement sheets or

extracts from measurement book can be accepted as a substitute for a book itself. It is further provided in Rule 5(ii) that all measurements of work and materials should be recorded in authorized measurement books in form No.PWG 27 at once and on the spot. It is further provided that the entries in the measurement book should be made in ink only. It is further provided in Rule-7 that public work officers should see that the subordinates get the works executed and record measurements immediately, after the works are completed so as to prevent loss to Government due to the work becoming not susceptible of measurements after lapse of time. Therefore, there is no material to show that the measurement of each stage of the work has been verified and recorded in measurement book. Even according to contract certificate, the entire measurements have been verified on a single day that too after the date of completion. Therefore, there is no stage wise verification of work. It seems improbable that on a single day, the entire measurements can be verified and recorded. Even in comparative statement there are alterations of quantities and amounts. There are variations in between quantities of some of the items of work as per estimate and as per actual execution.

- f) As per work order, estimated amount is Rs.50 lakhs. Entrusted amount is Rs.37,57,235/-. First and final bill amount is Rs.37,51,173/-. Adjustment amount Rs.5,80,374/-. Cheque amount is Rs.31,70,799/-. Cheque date is 25/8/14. 1% of IT is deducted. SBR No. is 14 dt.11/8/14. Therefore, there arises doubt as to whether documents were prepared just for passing the bill.
- g) Quality inspection report is not produced. In test report on CC cubes, the date on which it has been issued has not been mentioned. Date of testing is mentioned as 3/7/14. The dates of issuance of test reports on fine aggregate is dt.30/5/14. Copies of photos are not clearly visible. Therefore, from the non production of quality inspection report, estimate, and discrepancies in between the documents as discussed above, it

is to be opined that there are prima facie materials to substantiate the allegations of the complainant.

**LII. Construction of 788 ground floor dwelling units including infrastructures at 5 selected slums in Chitradurga City (package-II-b)-(8 slums of 1563 Du's(GF) Chitradurga-project) under Rajiv Awas Yojana.**

- a) The copies of notice to proceed with the work, agreement, letter of acceptance, bill of quantities, check list, technical reports, CC with R.A.first and part bill with measurement sheets, CC with second and part bill with measurement sheets, CC third and part bill with measurement sheets, royalty statements, progress reports, photos, page No.1-13, page No.1-4, page No.5-13, page No.14-22 of M.B.3296, register of works B-extract, have been produced.
- b) As per the above documents, letter of acceptance is dt.18/10/2014 issued by the Commissioner, KSDB, Bangalore to M/s.DPC infrastructures and projects (India) private limited. Agreement No.17/2014-15 dt.12/11/2014 is executed between the Commissioner, KSDB, Bangalore and M/s.DPC infrastructures and projects (India) private limited. Notice to proceed with the work is 12/11/14 wherein the above agency had been directed to contact the Executive Engineer, Davangere Division, KSDB to take over the site and start the work immediately. Contract period is mentioned as 24 months including monsoon. Contract price is Rs.35,78,44,000/-.
- c) In the check list accompanying the CC with first and part bill, the date of commencement has been mentioned as 5/12/2014. In contract certificate with first and part bill, the dates of recording measurement and dates of check measurement are entered as 12/12/14, 18/12/14, 22/12/14, 24/12/14, 30/12/14 and 2/1/2015 and it is entered as recorded on pages 01 to 04 of measurement book No.3296. Page No.1-4 of M.B.3296 are produced. In page No.1 the date of recording is written as 2/1/15. In contract certificate with second and part bill, the dates of recording measurements and the dates of check measurements are entered as 19/1/15 11/2/15,

18/2/2015, and 23/3/15. It is stated that the measurements have been recorded on page No.05 to 0-- of measurement book No.3296. In CC with third and part bill the dates of recording measurements and dated of check measurement are entered as 6/4/2015, 16/4/15, 22/4/15 and 11/5/15 recorded on pages 14-22 of M.B.No.3296. The page No.1-4, 5-13 and 14-22 have been produced wherein only the abstract of various items allegedly executed under RA first and part, second and part and third and part have been written. There is no recording of detailed measurements of each item of work. In page No.1 relating to first and part bill, date of recording is written as 2/1/15. In page No.5 relating to second and part bill, date of recording is written as 23/3/15. In page No.14 relating to third and part bill, date of recording is written as 28/5/15. Therefore, there is no material to show that each item of work has been verified and recorded in measurement book as per KPWD Code. However, along with each RA bill, printed details of items of work, measurement and quantity have been produced. As per KPWD Code and as per para 301 and appendix-VII which deals with Rules for taking measurements and keeping measurement books, and as provided in Rule-5 of appendix VII in no case measurement sheets or extracts from measurement book can be accepted as a substitute for a book itself. It is further provided in Rule 5(ii) that all measurements of work and materials should be recorded in authorized measurement books in form No.PWG 27 at once and on the spot. It is further provided that the entries in the measurement book should be made in ink only. It is further provided in Rule-7 that public work officers should see that the subordinates to get the works executed, record measurements immediately after the works are completed so as to prevent loss to Government due to the work becoming not susceptible of measurements after a lapse of time. Therefore in this case the printed sheets produced along with RA bills cannot be considered as sufficient to conclude that there is stage wise verification of work and measurements have been verified and

- recorded stage wise at the spot as required under KPWD Code and Rules.
- d) Some progress reports dt.9/12/2014, regarding sinking of bore well have been produced. But in none of the said progress report the survey number in which the bore well has been drilled has been mentioned. Photographs are not visible. It is only the first, second and third and part bills have been produced. The other bills and completion report have not been produced. Estimate is not produced. No quality inspection reports are produced. A document called 'register of works B for minor works' extract from page No.39 to 44 have been produced. In page No.39, it is written in the first column as 10<sup>th</sup> RA and date as 29/9/16. At the end of the page, date of starting is written as 12/5/14. Date of completion is left blank. As per check list with first and part bill, date of commencement is 5/12/14. In page No.40, it is written as 11<sup>th</sup> RA part bill. Date is written as 3/12/16. M.B.No. is written as 3061. Page number is left blank. In the right side it is written as 12<sup>th</sup> RA bill 3/3/17. In the page No.41, in the first column it is written as 13<sup>th</sup> part and the date as 7/4/17. In the page No.42, it is written as the release of amount reserved under 13<sup>th</sup> bill and date is written as 21/6/17. On the right side it is written as 14<sup>th</sup> bill amount and date is written as 5/7/17. In page No.43 in the left side it is written as 15<sup>th</sup> RA and the date as 20/9/17. On the right side it is written as 16<sup>th</sup> bill amount and date as 6/12/17. In page No.44 on the left side it is written as 16<sup>th</sup> RA, reserved amount release and date as 13/12/17. On the right side it is written as 17<sup>th</sup> RA and date as 8/6/18.
- e) From the above documents it is seen that completion report is not produced. As per notice to proceed with the work they should have been completed within 24 months. In the check list and measurement books, the due date of completion is mentioned as 4/12/2016. But from the last document it can be made out that RA 17<sup>th</sup> bill was dated 8/6/18. Therefore it becomes clear that the work has not been completed within stipulated period.

- f) As discussed above measurement book, estimate and quality inspection reports have not been produced. In the absence of production of these documents there arises doubt regarding the very execution of the work as per RA bills and estimate. The above documents however make out that up to 17<sup>th</sup> RA bill payments have been made to an extent of Rs.31,81,76,500/- as stated at the end in page No.44 of the last discussed document. Therefore the allegation of the complainant that amounts have been released without proper execution of work in accordance with estimate is substantiated.
- g) As per RA bill first, second and third Sri.B.Chandrappa has affixed the signature as officer incharge of the work. Sri.S.D.Patil, has affixed his signature as sub-divisional officer, Sri.R.K.Krishnamurthy is the Executive Engineer and Sri.H.G.Krishnamurthy, Account Superintendent who have affixed the said contract certificates and bills.

**LIII. Construction of 775 ground floor dwelling units including infrastructures at 3 selected slums in Chitradurga City (package-II-a)-(8 slums of 1563 Du's(GF) Chitradurga-project) under Rajiv Awas Yojana.**

- a) The copies of notice to proceed with the work, agreement, letter of acceptance, bill of quantities, check list, technical reports, CC with R.A.first and part bill with measurement sheets, CC with second and part bill with measurement sheets, royalty statements, progress reports, photos, test reports, page No.1-5, page No.6-13, of M.B.3299, register of works B for minor work-extract page No.13-22, have been produced.
- b) As per the above documents, letter of acceptance is dt.18/10/2014 issued by the Commissioner, KSDB, Bangalore to Sri.N.Mohammad Rehammathulla. Agreement No.20/2014-15 dt.15/11/2014 is executed between the Commissioner, KSDB, Bangalore and Sri.N.Mohammad Rehammathulla. Notice to proceed with the work is 15/11/14, wherein the above agency had been directed to contact the Executive Engineer, Davangere Division, KSDB to take over the site and start the work immediately. Contract period is mentioned as 24

- months including monsoon. Contract price is Rs.33,49,32,000/-
- c) As per check list accompanying the CC with first and part bill, the date of commencement has been mentioned as 23/3/15. Due date of completion is shown as 22/3/17. In CC with first and part bill, the dates of recording measurement have not been written. M.B.Number is written as 3299, but page numbers have been left blank. But there is signature of the officer incharge of the work. The dates of check measurement are written as 5/4/15, 13/4/15, 20/4/15, 24/4/15 and 8/5/15. There is signature of Sri.S.D.Patil as the AEE, Sri.R.K.Krishnamurthy has affixed the signature of the EE, Sri.H.G.Krishnamurthy has signed the contract certificate as Account Superintendent.
- d) The first and part bill amount is Rs.93,42,604/-. Cheque amount is Rs.85,09,420/-, after deducting adjusted amount of Rs.8,36,184/-. Cheque date is 21/5/15.
- e) In CC with RA second and part bill, the dates of recording measurement are written as 11/5/15, 15/5/15, 21/5/15, 29/5/15, 6/6/15, 11/6/15, and 19/6/15 recorded in page No.6 to 12 of measurement book No.3299. The dates of check measurement are written as 11/5/15, 16/5/15, 21/5/15, 30/5/15, 6/6/15, 12/6/15 and 20/6/15. There is signature of Sri.S.D.Patil as the AEE. There is signature of Sri.R.K.Krishnamurthy and Sri.H.G.Krishnamurthy as the EE and Accounts Superintendent. There is also the signature of another officer above the seal Executive Engineer. The second and final bill amount is shown as Rs.1,23,53,238/-. Cheque amount is written as 31,58,600/- after showing an amount of Rs.2,41,400/- as adjusted amount and Rs.89,83,238/- as reserved amount. Cheque date is written as 2/7/15. No other bills have been produced.
- f) Page No.1-5 and page No.6-13 relating to first and part bill and second and part bill have been produced. However, in none of the pages the detailed measurement of any item of work has been recorded. Neither the date of commencement nor the date of recording have been written in the said M.B. On the other



hand along with R.A first bill and R.A second bill, printed sheets containing the detailed description of work and the quantity have been produced. But as per KPWD Code and as per para 301 and appendix-VII which deals with Rules for taking measurements and keeping measurement books, and as provided in Rule-5 of appendix VII in no case measurement sheets or extracts from measurement book can be accepted as a substitute for a book itself. It is further provided in Rule 5(ii) that all measurements of work and materials should be recorded in authorized measurement books in form No.PWG 27 at once and on the spot. It is further provided that the entries in the measurement book should be made in ink only. It is further provided in Rule-7, that public work officers should see that the subordinates get the works executed, record measurements immediately after the works are completed so as to prevent loss to Government due to the work becoming not susceptible of measurements after a lapse of time. Therefore in this case the printed sheets produced along with RA bills, cannot be considered as sufficient to conclude that there is stage wise verification of work and measurements have been verified and recorded stage wise at the spot as required under KPWD Code and Rules.

- g) Some progress reports dt.9/4/15, 10/4/15 and 11/4/15, regarding sinking of bore well have been produced. But in none of the said progress reports, the survey number in which the bore well has been drilled has been mentioned. Photographs are not visible. Test reports have been produced regarding aggregates, and cement. They have been issued on 10/4/15 by Department of Civil Engineering, SJMIT, Chitradurga. The date of commencement is 23/3/15. There is no document to show the dates on which each item of work has been executed. Therefore mere production of test report would not be sufficient to express opinion regarding the quality of work.
- h) It is only the first and second and part bills which have been produced. The other bills and completion report have not been produced. Estimate is not produced. No quality inspection reports are produced. A document called 'register of works B

for minor works' extract from page No.13-22 have been produced. In page No.13 'work started date' is written as 23/3/15. In Schedule-B amount is written as Rs.33,49,32,000/-. Tender amount is written as Rs.2908.79 lakhs. In page No.13 the date is written as 21/5/15 and first RA bill amount as 9345604/-. In page No.14, second RA bill amount is written as 3400000/- and date as 2/7/14. In page No.15, second bill reserved amount released is written as Rs.89,83,238/- and date as 17/7/15. Part payment of third bill amount is written as Rs.2,17,28,842/-. The date has been written as 29/7/15. Fourth bill amount is written as Rs.2,73,69,65,000/-. The date is written as 29/7/15. In page No.16, date is written as 5/11/15 and an amount of Rs.42,25,683/- is shown as release of reserved amount under third bill. The fourth bill amount is shown as Rs.5,33,24,175/- and date as 5/11/15. In page No.17, fifth part bill amount as Rs.8,53,20,135/- and date as 11/11/15 have been written. The sixth RA bill amount is shown as Rs.11,95,19,143/- and date as 9/12/15. In page No.18 seventh bill amount and eighth bill amount have been mentioned. In page No.19 ninth and tenth bill amounts with dates as 21/6/16 and 1/8/16 have been written. In page No.20, 11<sup>th</sup> RA bill amount with date 3/3/17 has been entered. In page No.21, 12<sup>th</sup> bill details with date as 7/4/17 has been entered. In page No.22, 13<sup>th</sup> bill details with date as 7/9/17 have been recorded. Therefore the due date of completion was 22/3/17, but no document has been produced to show that the work has been completed as on this day. Payment of 13<sup>th</sup> part bill has been made on 7/9/17. Hence, it becomes clear that the work has not been executed within stipulated period and there are no materials to prima facie make out that the work has been executed in accordance with estimate.

11. In file No.2, the Chief Engineer, Technical Wing has submitted notes, mahazar, investigation report, photographs, and some of the documents relating to the above discussed works opining that since the complainant has not furnished the details of the works

wherein bogus bills have been created, there are no materials to substantiate the allegation of the complainant. But as discussed above from the discrepancies and irregularities found in the documents produced by the S.P, KLA, and Chief Engineer, Technical Wing, KLA, it can be opined that there are prima facie materials to substantiate the allegations of the complainant regarding the substandard work and that the work has not been executed as per estimate by following PWD Manual. Therefore, the opinion of the Enquiry Officer or the Chief Engineer, Technical Wing, KLA cannot be accepted.

12. Scrutiny of inspection reports on the Accounts of the Commissioner, Karnataka Slum Development Board, Bangalore submitted by Chief Engineer of Technical Wing in file No.3 for the year 2011-12, 2012-13 to 2013-14 2014-15 and 2015-16:
13. The said inspection reports pertain to the inspection of the accounts of the office of the Commissioner, KSDB, Bangalore wherein few references regarding Davangere Division can be noticed. In the inspection report for the period from 2011-12 in page No.17, there is an observation in para-II(b) regarding irregular release of 1.30 crores as material advance without obtaining supporting documents under Asare Scheme in the flood affected areas in the North Karnataka Districts (Bellary, Bijapur, Bagalkot, Raichur and Koppal).
14. In para 10 at page No.40, there is reference to diversion of Rs.27.52 lakhs out of IHSDP Scheme Funds. It has been observed that an amount of Rs.2 lakhs relating to EE, KSDB, Davangere as per cash book dt.10/11/11 has been diverted towards preparation DPR for RAY Scheme. It has been further explained that release of funds out of IHSDP Scheme funds, for works other than IHSDP components of works amounts to diversion of funds.

15. In inspection report for the periods 2012-13 to 2013-14, in part-I at page No.59 at Sl.No.92, there is a general observation that during the previous period there was an unfruitful expenditure of Rs.6.38 lakhs on road works taken up under Providing Basic Services (PBS) to Slum Scheme. In page No.95 at para-XI there is a reference to construction of houses and providing infrastructure facilities to non slum dwellers- diversion of funds to the tune of Rs.62.18 lakhs. Observation has been made regarding the widening of 6 main roads taken up in Bellary City, construction of 520 houses at Andral D.C.colony (262 houses) and Harishchandra Nagar (258 houses) slums of Bellary City. It has been observed interalia that the work of construction of 262 houses and providing infrastructure facilities in Andral D.C.Colony was entrusted to Sri.K.Ravikumar but IHSDP Scheme was meant for providing housing and infrastructure facilities to the slum dwellers in identified slums and not for general public but in the instant case the families displaced consequent on widening of road for general public and not slum dwellers. It has also been observed in page No.96 and 97 as below:

*"It was further observed from the correspondence (January 2010) made by the Asst. Executive Engineer, KSDB, Bellary sub division with the Commissioner, Bellary City Corporation and Executive Engineer, KUWS&DB, Bellary that the Board had provided infrastructure facilities like laying of water pipes, drainage pipes, roads etc. in the land handed over by the Bellary city corporation for construction of these 32 houses. The expenditure incurred on the infrastructure facilities could not be ascertained in audit.*

*Thus, the Board incurred an expenditure of Rs.62.18 lakh for rehabilitation of non-slum dwellers which resulted in diversion of IHSDP funds to the tune of Rs.38.26 lakh and State grants to the tune of Rs.23.92 lakh meant for undertaking development works in the slums."*


16. In the inspection report for the period from 2014-15 in Sl.No.53 there is an observation that regarding SUDP works at Davangere there was excess work slip and non levy of penalty of Rs.25.01

lakhs. At Sl.No.60(a) it has been observed that release of interest fee mobilization advance of Rs.3.79 Crores under 'Asare Scheme' resulted in giving unintended benefit to the contractor. In Sl.No.60(b) it has been observed that there was irregular release of 1.30 crores as material advance without obtaining supporting documents under Asare Scheme.

17. Therefore from the above observations in inspection report with respect to KSDB, Davangere Division also it can be opined that the allegation of the complainant regarding financial irregularities in execution of the various works under taken in Chitradurga Sub-Division for the period from 2011 to 2015 is substantiated.
18. Therefore, there are sufficient materials to proceed against the respondent No.1, 2, 4, 6, 11 and 12, opining that there is lack of absolute integrity and dereliction of duty and in discharge of their duties as public servants which attracts disciplinary proceedings under Rule 3 of Karnataka Civil Service (Conduct) Rules 1966.
19. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority for initiating disciplinary proceedings against respondent No.1 Sri R.K.Krishna Murthy, respondent No.2 Sri.B.Chandrappa, respondent No.4 Sri.B.C.Veeresh Babu, respondent No.6 Sri.S.D.Patil, respondent No.11 Sri.L.A.Shanmukhappa and respondent No.12 Sri.H.G.Krishnamurthy (retired), and to entrust the departmental inquiry to this authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, with sanction as required under Rule 214(2)(b)(i) of Karnataka Civil Services Rules, as the respondent No.12 Sri.H.G.Krishnamurthy, has already been retired from Government service on 31/12/2018.

20. As per section 12(4) of the Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate or cause to be intimated to this Authority, the action taken or proposed to be taken on this recommendation, within a period of three months from the date of receipt of this report.

Connected records are enclosed herewith.

  
(Justice B.S. Patil) 24-1-20

Upalokayukta-2  
State of Karnataka, Bengaluru

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24/1/20 20