

Government of Kerala

Abstract

Forest- Extraction of timber from forests- operation of certain condition in the agreement made inoperative – orders issued.

Agriculture (Forest) Department

G.O.Rt. 122/63/Agri.,

Trivandrum 15-1-1963.

Read:- Letter No. C1-25697/62 dated 9-8-1962 from the chief conservation of forests.

ORDER

The Chief conservator of forests has reported that in respect of a contract entered into by the Department with Shri. T.K.Purushothaman Nair on 12-5-1958 for extraction of timber etc., from the coupe No. 5,385.37 is livable on the contractor as per condition 17 (a) of the agreement which requires the contractor to pay the difference between the average sales rate at the depot and the actual sale rate of the loss or materials which were delivered late at the depot. It is stated that as per condition 17 of the agreement the contractor is also to pay penalty at the rate mentioned in the agreement for belated deliveries. Again there is another condition in the agreement (Condition 27) by which the contractor will get only the difference between the sale proceeds and seigniorage rates as Kolevila for lots selling at prices lower than the working charges plus seignioragen rate. It is also enjoyed that if any timber left etc., are sold below seigniorage rates fixed for the species and he is not eligible for any Kolevila for such timber. The Chief conservator of forests has also reported that as per agreement dated 9-4-1960 entered into by the same contactor an amount of Rs.2,747.41 will have to be recovered from the contractor as per condition 17 (a) . In a similar case Government had ordered clause 17 inoperative as per Government Memorandum No FB3-45255/61/AH dated 20-3-62. The Chief conservator of forests has requested that in the case of two agreements mentioned above clauses 17 (a) may be made inoperative. He has also stated that there are several similar cases and have requests that a general order may be issued in this respect.

Government have examined the question in all its aspects and are pleased to order that clause 17 (a) of the above two agreements are inoperative in view of the other provisions, viz., clauses 17 and 87 which will be operative.

Government also order that in cases clauses 17 (a) appears side by side with clause 17 and clause 27 or the very exactly similar provisions, clause 17 (a) will be inoperative.

(By order of the Governor)
K.C. Sankaranarayanan,
Secy.to Govt.

Endt.C1.25697/58 dated 19/28-1-63.

Copy with copy of agreement forwarded to conservator of Forests Quilon for information and further necessary action. The receipt of the agreement should be acknowledged.

Copy to the other Conservators (3) and Divl. Forest Officers, P.A., F.A., All section Superintendents, All Contract sections and S.F.

Copy to Files.

Endt. on CH. 2206/63 dt. 2-2-63.

Copy to H.A., Kt., Ml., Tr., A1, A2 and stock file (CH)

For Conservator of Forests.