Public Works (1899) Department.

G.O., No. 2707 W

DATED 12-10 **1899.**

[Despatch Abstract.]

Bapatla Taluk Cutchery

Requesting Mr. Lewis, Ex. Engr., retired, to forward, if he elects to do so, a power of attorney authorising ~~the~~ the Govt. Pleader, Kistna, to act for him, in the event of an appeal being preferred against the decision of the District Court, in connection with the suit relating to the ——

W

Indexed. 13/10

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

B/

Urgent-

P. W. DEPARTMENT.

READ the following :—

Letter from the Supdg. Engr., II Circle, No. 436 W., 11.9.99.

——— do ——— No. 458 W., 25.9.99.

Circulated to H.E. the Governor

ORDER. No: 2707 W., 12.10.99

The letters read above will be communicated to Mr. W. C. Lewis, Ex: Engineer, P.W.D. retired, who is one of the parties to the suit brought by Anamalapudi Sriramulu, contractor of Chebrole, Bapatla Taluq, for the recovery of Rs 4723-14-3 on account of work executed but not paid for in connection with the Bapatla Taluq cutcherry and on account of the loss sustained by him owing to the cancelment of his contract.

A.E.H.
9.10.99

DW
W

2. Mr Lewis, if he elects to do so, should forward as early as practicable a power

H6/10.
10.10.

P. W. 4.
1,000—18-7-99.

power of attorney authorising the Govt. Pleader, District Court, Kistna to act for him in the event of an appeal being preferred against the decision of the District Court, Kistna.

3. Copy of the judgment will be forwarded to Mr. Lewis on receipt.

4. Mr. Lewis' attention will be drawn to para 3 of G.O. No. 1607 W dated 28th June 1898, copy of which is enclosed.

× Flag Q

Pur, A.H. 6-10-99

d 7/10/99

To

The Supdg. Engr., II Circle

W. C. Lewis Esqre
Ex: Engr., P.W.D. retired
with one enclosure
Thro the India Office
London.

The Collector of Kistna.

Note – Please see note below G.O. No. 2555 W d/ 29.9.99 flagged J for the facts of the Bapatla Taluq cutcherry case.

The Collector of the Kistna & the Govt. Pleader of that district suggest that Mr. Lewis, who is one of the parties to the suit, be given the option of authorising the Govt. Pleader, Kistna, to act on his behalf in the event of an appeal being preferred against the decision of the District Court in this case. A draft order is submitted in accordance with this suggestion. No further action can be taken till the judgment is received.

The question of Mr. Lewis' share of responsibility for any loss that may devolve on Govt. in connection with this transaction can only be considered when the case is finally settled.

Pur, A.H.

A.S.H.

6-10-99

Public Works (1899) Department.

Letter from the Supty. Engr., II Circle, No. 436 W dated 11th Sept. 1899.
— Do — No. 458 W D 25.9.99.

CURRENT No. 8014

Urgent

From The Superintending Engineer II Circle

No. 458 W

Order

Dated 25th September 1899
Received
Registered } 29-9-99
Enclosures nil
Spare copies

Recd 2.10.99.

SUBJECT.

Bapatla Taluk Cutcherry Case.

Submits further report about the —.

0L5562. R1240

SAW

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3852 C	21-9-99
2555 W	29-9-99
1983 W	6-8-98
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2113 W	19-8-98
2054 W	12-8-98
1607 W	28-6-98 & file

FURTHER PAPERS.

No.	Date.

Superintending Engineer's Office, II Circle,
BEZWADA, 25th September 1899.

No. 458 W

From

Major W. M. Ellis R.E.
SUPERINTENDING ENGINEER,
II CIRCLE,

To

THE Chief Engineer
Public Works Department.

SIR,

Enclosures.

Your urgent memo No 3852 C dated 21st September 1899.

I have consulted the Collector and that officer is of opinion that the information already submitted with this office No 436 W dated 11-9-1899 should be communicated to Mr Lewis so as to allow him the earliest opportunity of furnishing a power of Attorney should he elect to do so-

Further that Mr Lewis be informed that a copy of the judgment will be forwarded on receipt.

2. When a copy of the judgment is received the Collector will be again consulted and a further report

made; meanwhile no further action can be taken.

I have the honour to be,

Sir,

Your most obedient Servant

Wm. Ellis Major R.E.

Superintending Engineer

2 Circle

Al

25/9/55

C No. 7611

Dw

or. c. no 7574

Sent to H.S. 18/9/55

A draft note on the same subject was submitted yesterday. Apparently nothing can be done till the judgment & decree are received & the Collector advises as to whether an appeal should be preferred or not.

The S. E. might consult the Collector in this matter who will advise whether a power of attorney should be obtained from Mr. Lewis.

RM

16.9.55

✓

E for perusal

[illegible]

15.9.55

Cn 7514 N 7611

Lr. Akd from the Collector of Kistna No 4063/E.L. of 22d/4/98

Subject

Suit Reporting that Suit in O.S. No 15 of 1897 was decided against Government and that a report will be sent as to whether an appeal should be preferred or not soon after the receipt of copies of the Judgement and decree

The above Current was sent to D.W. on 16-8-98

SAW

CNo 7611

For orders whether this current may be sent to Ooty in continuation of CNo 7514

Public Works (189) Department.

CURRENT No. 7611

No. 3852 C d/21st Sept 99

Urgent -

c/

From

The Superintending Engineer
II Circle

~~**Order**~~ Memo

No. 436 W

With reference to his letter No. 436 W dated 11th Sept 1899, the Supdg. Engineer, II Circle, is requested to consult the Collector & submit the matter for the orders of Govt: after obtaining his advice.

Dated 11th September 1899

Received
Registered } 15. 9. 99

Enclosures 2

Spare copies

Recd 16. 9. 99

Rm HH 18/9

HH 18. 9. 99

SUBJECT.

Result of Bapatla Taluk cutcherry case.

Reports about the —.

To

The Supdg. Engr., II Circle. d 21/9/99

INDEXED.

O.L.S. 512 25/9/99

R 21/9

DW

W

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

From the Government Pleader, District Court Kistna to the Executive Engineer, Kistna Western Division dated 26th August 1899 No. 185

I have the honour to state that the judgment in O.S. 15 of 1897, Bapatla Taluq Cutcherry case was delivered yesterday (25-8-99)

The Judge held that the contract was illegally cancelled because no notice was given as provided for in 13 & 14 clauses of the Contract bond. He also held that the evidence disclosed no circumstance justifying the cancellation of the Contract. On the issue whether the Executive Engineer's valuation and measurements for the work done and materials taken can be questioned: the judge held that he had a right to go into question as the valuation and measurements was subsequent to the illegal cancellation of the Contract and allowed the Plaintiff about Rs 467-11-2 in excess of what was allowed by the Department.

The details of the amount allowed in excess are:-

About Rs	59 - 2 - "	Superstructure
	17 - 8 - "	Granite
	2 - " - "	Vadlamudi Cutstone
	130 - " - "	Sheds
	33 - 2 - "	Terrace brick

Rs 70 - " - "	miscellaneous items	
16 - 6 - 6	Kappi	
88 - " - "	Pati earth.	

The Judge also allowed him damages of Rs 500 in addition to the above and costs on the full amount. The opinion of the Government pleader at Madras was that the Courts could not question the valuation and measurements of the Executive Engineers and they were final. The decision of the Judge allowing Rs 417-14-2 was against the opinion. As to the amount of the damages there is absolutely no evidence whatever. It was merely arbitratory exercise of the discretion. The only basis for it was that the Contractor's statement that he would have realized Rs 500 profit for the remaining work if he had been allowed to perform it. No accounts were produced to show what profits he realized for the work done. So I advise an appeal on the first ~~Rs~~ 417-14-2 as a matter of law and on the second question as a matter of fact. The Judge ought not to have allowed full costs for nearly Rs 1336 of the claim disallowed. The costs on that would be Rs 161-12-". I therefore request you to send a cheque for my fees which is as follows:-

	Rs. a- p.
On the amount disallowed (1336-4-2) at Rs 5 per cent	66 - 12 - "
On the amount allowed to the Plaintiff (Rs 3387-10-1) at Rs 2-8-" per cent. half the regulation fees:	84 - 6 - "
	151 - 2 - "

(True Copy)

Major R.E.
Superintending Engineer
2nd Circle

11.9.99

From the Government Pleader, District Court, Kistna, to the Executive Engineer Kistna Western Division dated 5 Septr. 1899 No. 194

With reference to your No. 683 M dated 2.9.99 I have the honour to state that the time occupied in obtaining copies of judgment and decree will be neglected counting the time for appeal which is 90 days. There will be 90 days time after I get copies from the Court. As Mr. Lewis is in England, I think it advisable to write to him and get Power of attorney from him. The Collector has asked me to send copies of judgment and decree to him as soon as I get them. In anticipation of your sanction I have applied for a second set of copies for you. I request you will pass my fees and favour me with a cheque.

(True Copy)

Major R.E.
Superin[illegible]ding Engineer
[illegible]rcle

11.9.99

P.W. E.1
76 11/99

Superintending Engineer's Office, II Circle,
Bezwada, 11th September 1899.

No. 436 W

From
Major W. M. Ellis R.E.
Superintending Engineer,
II Circle,

To
The Chief Engineer
Public Works Department

Sir,

Enclosures. 2

with Cm 7514 sent to Dw on 16/9/99

Reference G.O. No. 1607 W dated 28-6-1898

I have the honour to enclose copies of 2 letters No. 185 dated 26-8-99 and No. 194 dated 5-9-99 from the Government Pleader Masulipatam from which you will see the result of the Bapatla taluk Cutchery case.

The Government Pleader recommends an appeal notice of which must be lodged within 90 days of copies of the judgment, which have been applied for, being furnished.
when received a copy will be furnished.

2. The Government Pleader suggests that a power of attorney be obtained from Mr Lewis one of the parties in the suit to act for him on this behalf.

It would appear desirable that

such a course be taken or that at any rate Mr Lewis who has left the Country be given the option of furnishing such an instrument with a view to appealing against the decision recorded.

I request that whatever action is considered necessary in this Connection may be taken.

3. On receipt of the copies of the judgment sanction for payment of the fees of the Government Pleader will be applied for.

I have the honour to be
Sir
Your most obedient Servant

Major R.E.
Superintending Engineer
II Circle

11-9-99