THE HIGH COURT OF ORISSA: CUTTACK

No. XI-31/2026/...11915(30)/ Dated.....04/08/2026.....

From;

Dr. Bhagyalaxmi Rath,
Registrar General

To,

The District & Sessions Judge,.....(All)

Sub.: **Forwarding of order dated 07.05.2026 in Civil Appeal No. 13598 of 2025 (*Vidyasagar Vijaykumar Kamboj Vrs. The State of Maharashtra & Ors.*) passed by the Hon'ble Supreme Court of India**

Madam/Sir,

With reference to the subject cited above, I am directed to forward herewith a copy of the order dated 07.05.2026 in Civil Appeal No.13598 of 2025 (Vidyasagar Vijaykumar Kamboj Vrs The State of Maharashtra & Ors.) passed by the Hon'ble Supreme Court of India concerning vigilance against the misuse of geo-tagging clauses in public tender documents, for your information and communication to all the Judicial Officers working in your respective jurisdictions for their information and necessary guidance.

Yours faithfully,

4.8.2026

REGISTRAR GENERAL

Encl.: *As above.*

Through e-mail

OFFICE OF THE DISTRICT JUDGE, GANJAM, BERHAMPUR.

e-mail: dsj.ganjam-od@indiancourts.nic.in

Memo No. 10196 (65) ***/ dtd.*** 06/08/2026

Copy along with its enclosures is forwarded to:

1. The Member, 2nd MACT (SD), Berhampur
2. The Judge, Family Court, Berhampur
3. The Spl. Judge (Vig.), Berhampur
4. The Additional District Judge-cum-Spl. Court under POCSO Act, Berhampur
5. The Ad-hoc Additional District Judge, (FTSC) under POCSO Act, Berhampur
6. The Presiding Officer, Designated Court under OPID Act, Berhampur
7. The 1st / 2nd / 3rd Addl. District Judge, Berhampur
8. The Addl. District Judge (LR & LTV), Berhampur
9. The Additional District Judge, Aska / Bhanjanagar / Chatrapur / Khallikote / Kodala
10. The Chief Judicial Magistrate, Ganjam, Berhampur
11. The Addl. Chief Judicial Magistrate, Berhampur
12. The ASJ-cum-Registrar, Civil Courts, Berhampur
13. The Civil Judge (Sr. Divn), Berhampur
14. The Civil Judge (Sr. Divn.), Aska / Bhanjanagar / Chatrapur / Hinjilicut / Khallikote / Kodala / Purushottampur / Sorada / Digapahandi
15. The Civil Judge (Sr. Divn.) (Commercial Court), Berhampur
16. The 1st / 2nd Additional Civil Judge (Sr. Divn.), Berhampur
17. The Civil Judge (Sr. Divn.) (LR & LTV), Berhampur
18. The Civil Judge, Berhampur / The Civil Judge-cum-JMFC, Aska
19. The SDJM, Berhampur / Bhanjanagar / Chatrapur
20. The J.M.F.C(Rural) (Cog.Taking.), Berhampur
21. The JMFC Aska (Cog.) / Bhanjanagar / Buguda / Chatrapur / Digapahandi / Hinjilicut / Jagannathprasad/ Kabisuryanagar / Khallikote / Kodala / Patrapur / Polasara / Purushottampur / Seragada / Soroda / The Nyayadhikari, Gramnyayalaya, Sanakhemundi / The JMFC (Transport), Berhampur / All the JMFCs, Berhampur/ Aska
22. The Executive Assistant, District Court, Ganjam, Berhampur

    for information and necessary guidance.
23. The System Officer, District Court, Ganjam, Berhampur for information with a direction to upload the same on the Official Website of Ganjam Judgeship for general information.
24. Guard file.

Registrar,
Civil Courts, Berhampur.
06/08/2026

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 13598 OF 2025

Certified to be true copy
Assistant Registrar (Judl.)
.....20
Supreme Court of India

VIDYASAGAR VIJAYKUMAR KAMBOJ **Appellant(s)**

VERSUS

26097073

THE STATE OF MAHARASHTRA & ORS **Respondent(s)**

WITH

WRIT PETITION (CIVIL) NO. 1206 OF 2025

O R D E R

1. Our order dated 22.08.2025 reads as under:-

"1. Heard Mr. Mahesh Prakash Shinde, the learned counsel appearing for the petitioner.

2. The learned counsel has brought to our notice something which we should not ignore.

3. This is a litigation in which the petitioner after offering his bid in pursuance to the tender notice issued by the respondent stood disqualified at the stage of technical evaluation on the ground of his failure to produce the certificate of the Competent Authority authenticating the geo-tagging.

4. We take notice of clause XII of the Tender notice dated 9.5.2025, which reads thus:-

"XII Geo-Tagging

1) It shall be binding for all contractors to inspect the work site area, quarry area and other

important site location before filling the tender, contractor will do geo tagging himself.

2) The officers calling for the tender have fix any 5 (five) site location for Geotagging for effective site visit (details of location visit will be made available at the time of site visit)

3) The officers calling for the tender or representative will be available during office hours at the site location. During the period 3 working days before tender closing date 30.05.2025 from the site visit to carry out procedure of geo-tagging effectively for convenience office representative number is given below. Mr. N.K. Kendre, City Engineer, Latur City Municipal Corporation, Latur Mo. No. 9359638244.

4) The contractor himself or his authorized representative shall carry out Geo tagging and shall submit authority letter to the department. The Declaration/Authority letter duly attested with date and time of the site visit. The contractor himself or his authorized representative shall satisfy the representative officers calling for the tender present at the site by giving his identity or showing authentic identity card and shall keep the procedure confidential (Annexure4)."

5. Sub clause 4 is relevant for our purpose as it provides that the Contractor shall either himself or through his authorised representative carry out geotagging and would have to submit authority letter to the department duly attested with date and time of the site visit. The later part of Clause 4 provides that either the contractor himself or through his authorised representative would have to satisfy the representative officers calling for the tender present at the site by giving his identity or showing authentic identity card and shall keep the procedure confidential.

6. Clause 4 referred to above does not seem to be happily worded but still we have been able to understand the requirement.

7. The learned counsel would submit that in the past also the authorities deliberately failed or rather declined to attest such declaration.

8. In the aforesaid context, we called upon the learned counsel to show us the necessary averment made on oath in this regard in the memorandum of the writ petition filed before the High Court. In the Memorandum of the Writ Petition filed before the High Court the petitioner herein has made the following averments on oath in Paras 6, 7 and 8 respectively:-

> *"6. The petitioner states and submits that, the petitioner has faced such discrimination in earlier tender process issued by the respondent authority in similar manner wherein the technical bid of the petitioner was rejected for not uploading duly signed and certified geo tagged declaration letter. The petitioner being aggrieved by the said disqualification and discrimination, had filed a Writ Petition No. 11868/2024 before this Hon'ble High Court which is pending adjudication. This Hon'ble High Court was pleased to issue notice to the respondent authorities on 22.10.2024. Copy of order dated 22.10.2024 is annexed herewith and marked as EXHIBIT-'D'.*
>
> *7. The respondent no. 2 had issued a E-tender Notice27/2024-2025 dated 05.10.2024 for the purpose of Construction and Development of Nala at Ramrahim Nagar to Khadgaon Smashanbhumi ring road under Maharashtra Suvarna Jayanti Nagrothan Mahaabhiyan (District Level) Yojana. Where the petitioner was one of the bidder in the said tender process amongst the 3 other agencies/bidders. To shock and surprise of the petitioner, the respondent No. 2 have erroneously disqualified the present petitioner with mala fide intention to favour the other agencies. That the reason assigned for disqualification was insufficient document. Whereas the petitioner had visited the work site area, did the Geo tagging and submitted the Geo-Tagged photographs and its Geo tag certificate to*

the respondent no. 3 for the Signature of the authorities. And for that purpose, made an application dated 11.10.2024 to the respondent no. 3 requesting the authorities to sign the Geo-Tagging Certificate. But the authorities with malafide intention didn't sign the Certificate without the authorized signature of the authorities. Copy of chart showing disqualification dated 14.10.2024 alongwith application dated 11.10.2024 and geo-tagged photographs is annexed herewith and marked as EXHIBIT-'E'.

8. The petitioner states and submits that, total 4 bidders had participated in the tender process. The technical bids were opened on 14/10/2024. After evaluation and verification of the bids submitted by all bidders the respondent No. 2 declared the petitioner as 'noneligible' vide communication received via text message on the mobile dated 14/10/2024. It is mentioned in the said communication via text message that your bid for the tender 2024_LMC_1106726_1 has been rejected during technical evaluation by the duly constituted committee Insufficient Documents-NICSI. In the meantime, the financial bids were opened by respondent No. 2 of the bidders who were held eligible in the technical bid evaluation. After opening the Financial Bid, the respondent authorities had passed work order in favour of another bidder."

9. The learned counsel appearing for the petitioner would submit that a very cryptic reply was filed by the respondents while rebutting the averments made in the memorandum of the writ petition, referred to above.

10. In such circumstances, referred to above, we are inclined to issue notice.

11. Issue notice, returnable on 12.09.2025.

12. We clarify that any further steps taken as regards the tender notice shall be subject to the final outcome of this petition.

13. Dasti service, in addition, is permitted.

14. The learned counsel appearing for the petitioner shall serve one set of entire paper book to the learned counsel Mr. Aaditya Pande, who are ordinarily appears for the State of Maharasthra."

2. Our order dated 10.11.2025 reads thus:-

"1. We are informed by the learned counsel appearing for the respondent nos. 2-4 respectively that the petitioner has failed to implead the successful bidder as a party respondent. According to him the work order came to be issued last year i.e. 15.10.2024. In pursuance of the same, the successful bidder had started working.

2. The learned counsel further brought to our notice that the work has been executed in accordance with the work order.

3. He would further submit that nothing further is now required to be done in the matter.

4. However, our order dated 22.08.2025 assumes some significance insofar as clause XII of the Tender notice is concerned.

5. Clause XII is with respect to Geo-Tagging. This condition is very tricky as explained by us in our order dated 22.08.2025. For this limited purpose we admit this petition.

6. Exemption applications are allowed.

7. Leave granted.

8. Post it for final disposal in the month of January, 2026."

3. Over a period of time, we have come across many litigations wherein we noticed that at the stage of technical evaluation, a bid offered by a particular party would stand rejected on the ground of

purported failure to produce a certificate of the competent authority authorising geo-tagging. We are now very much sure that this clause of geo-tagging in the tender document is proving to be detrimental to the interest of a genuine bidder.

4. Geo-tapping of properties is assigning a unique latitude-longitude to a property on GIS map by selecting current location against any Unique Property Identification Code (UPIC) so that all properties have their location identified against unique latitude-longitude position.

5. The role of geo-tagging has gained prominence in public tender agreements, with its aim being to enhance transparency, accountability, and authenticity in the tendering process. The main objective is to confirm that the bidder has genuinely inspected the project site, understands the ground realities and local conditions, and is aware of the nature, scope, and practical requirements of the work before participating in the tender process. By using geographical information, authorities seek to curb any form of fraud that may arise. Due to the benefits of geo-tagging, it is increasingly being adopted not only by government departments in tender allotments but also in some prominent public welfare schemes, such as, Pradhan Mantri Awas Yojana, Pradhan Mantri

Gram Sadak Yojana, and Swachh Bharat Mission. Therefore, the use of geo-tagging serves a public purpose and, if implemented properly, can increase transparency in the public tender allotments.

6. However, in reality, requirements of geo-tagging are applied in an overly technical and arbitrary manner, causing the rejection of bids in an unjustified way, though the bid may be largely compliant with the conditions set out in the tender document. If a tenderer fails to produce a certificate of the competent authority authorising geo-tagging though he had applied for such a certificate well in time, his tender cannot be rejected on this ground. This is because having such a certificate is not in his hand. If the tendering authority wants to eliminate a tenderer, all that is required is to get such a certificate withhold. Therefore, all that is required to be seen is whether the tenderer had applied for such a certificate in time. If the tenderer had applied for such a certificate well within time yet not issued, then it becomes a curable defect which can be cured even at a subsequent stage.

7. Further, minor deviations of GPS coordinates, differences in timestamps, or loss of metadata at the moment of upload are considered by authorities as significant defects, making the entire

bid invalid. Such deviations cannot be a ground for disqualification, technical or otherwise.

8. As discussed above, authorities either fail to sign or intentionally delay the signing of the geo-tagging certificate or site verification report, after which a bidder is later disqualified for non-submission of the signed document, despite no fault on its part. Such disqualification shall be invalid.

9. The lack of clear guidance about the application or method for geo-tagging also represents a significant problem related to the conditions of tendering. For example, in case the tender document does not specify which application should be used for geo-tagging, bidders act in accordance with common practice by employing a certain application; however, later authorities reject photographs, claiming that another application should have been used.

10. Such practices give excessive discretion to authorities who decide on the acceptance or rejection of bids. This results in cases of favouritism, subjectivity, and lack of transparency during the tendering procedure.

11. Therefore, disputes relating to geo-tagging requirements are increasingly reaching courts, where bidders allege misuse of technical conditions in public procurement.

12. We are of the view that High Courts should remain vigilant and see to it that there is no misuse of this particular clause of geo-tagging in the tender document. The High Court in exercise of its writ jurisdiction should also endeavour and try to read in between the lines if a party alleges that injustice has been done on this technical evaluation of geo-tagging. We say so because it is very easy for the authorities to knock out a genuine bidder on such flimsy ground and show undue favour to any dubious bidder. We re-iterate what we have said in paragraphs 6, 7 and 8 above respectively.

13. With the aforesaid, the Civil Appeal and the Writ Petition stand disposed of.

14. Pending application, if any, also stands disposed of.

15. The Registry shall forward one copy each of this order to all the High Courts.

Sd/-

.....J.
(J.B. PARDIWALA)

Sd/-

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MAY 07, 2026

SEALED IN MY PRESENCE.