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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(214)

CWP-27083-2017

Date of Decision : 20.01.2025

M/S Gurparsad Land Solution and Land Surveyor

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. J.S. Rana, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Vishal Garg, Advocate and
Mr. Ritik Mohindroo, Advocate
for the respondent No.3.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, a prayer is made for issuance of a writ in the nature of mandamus, directing the respondents to release the payment for the completed work of the petitioner, against the awarded tender pertaining to Topographic Survey for Cadastral Mapping of all wards of Municipal Corporation, Karnal, along with its web based applications.
2. The facts, which require for adjudication of the instant writ petition is that the Municipal Corporation, Karnal, invited e-tender bid regarding tender ID 2015_HRY_24078_1 dated 30.11.2015, for the work namely, "Topographic Survey for Cadastral Mapping with Web Based Solutions, GIS Maps of Roads, Streets and Utility Services and Web Based Applications for Municipal Corporation, Karnal." The price offered by the



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petitioner was found to be lowest and genuine, as compared to the prevalent rates in the market. Therefore, the price offered by the petitioner was accepted, and work order was issued, vide letter dated 19.05.2016 (Annexure P-4).

3. Learned counsel for the petitioner has placed reliance upon the Annexures P-10 and P-14, to submit that the Commissioner, Municipal Corporation, Karnal, has specifically made the recommendations to the Director, Urban Local Bodies Department, Panchkula, Haryana, to grant *ex-post facto* approval of rates of Rs.1347/- per acre, along with administrative approval, for the subject cited work completed, for Rs.2.20 crores approximately. However, no decision was taken on such request, rather, the Director, Urban Local Bodies Department concerned, informed the Commissioner, Municipal Corporation, Karnal, with the observation that it is the domain of the Commissioner, Municipal Corporation, Karnal, to take decision, at its own level, in this regard.

4. The instant writ petition is pending since 2017. The study survey of the record of the instant petition and the orders, passed by the co-ordinate Bench of this Court, reflects that apparently, now, there is a dispute with regard to the work undertaken by the petitioner, which is clearly reflected from the following events.

5. Co-ordinate Bench of this Court, vide order dated 13.02.2019, had passed the hereinafter extracted order, upon the instant writ petition :-

“In pursuance to the order dated 23.01.2019, Mr. Rajiv Mehta, Commissioner, Municipal Corporation, Karnal has come present in Court.

Stand taken on behalf of the Corporation is that the petitioner was awarded the tender pertaining Topographic Survey Cadastral Mapping pertaining to only 15 wards of



the Municipal Corporation, Karnal. As per the learned Commissioner, 15 wards would cover an area of approximately 60 sq. kilometers. It is urged that the payment has not been released to the petitioner on account of lack of requisite proof of 50% of the work having been completed.

Court has also been informed that parallel steps of seeking ex-post-facto approval for release of payment were already initiated and taken up with the Director, Urban Local Bodies Department, State of Haryana just to obviate the situation of delay of release of the payment and if 50% work has actually been undertaken.

To resolve the matter, learned counsel representing the petitioner is directed to furnish to Municipal Corporation, Karnal the complete details of the work undertaken pursuant to the work order in a soft copy and supporting documents. The learned Commissioner has assured the Court that a Committee of responsible officials of the Corporation would be constituted without any further delay to look into and examine the soft copy/supporting documents that may be furnished by the petitioner so as to arrive at a conclusion as to whether 50% of the work has been completed on the ground so as to entitle the petitioner to be released the 50% payment. It has further been assured that if it is concluded that the petitioner has infact completed 50% of the work awarded, immediate and concrete steps would be taken to take approval from the Urban Local Bodies Department, State of Haryana to facilitate the release of necessary payment.

Mr. Bhardwaj, undertakes to supply soft copy to Municipal Corporation, Karnal within a period of one week from today so as to give effect to the instant order.

List for further consideration on 02.05.2019.

Appearance of the Commissioner, Municipal Corporation, Karnal shall stand exempted till further



orders.

A copy of this order be furnished to counsel for the parties under the signatures of the Bench Secretary.”

6. In deference to the direction (supra), which was primarily issued on the consensus of the parties concerned, the Municipal Corporation concerned, constituted a Committee, to evaluate the work submitted by the petitioner-company. As per the report of the Committee, the work was duly verified, and the petitioner was given several opportunities to produce any document, certifying the fact of completion of its work. The earlier work submitted by the petitioner, was found to be satellite data, obtained from the open source, i.e. the Google, for the year 2007-08, in this case.

7. It has been further found that despite giving numerous opportunities to the petitioner-company, it has failed to submit the data. The relevant extract of the supplementary reply, reflecting the exercise conducted by the Committee, along with the work of the petitioner, is reads as under :-

“2. In compliance of the directions issued by the Hon'ble Court Commissioner, Municipal Corporation Karnal vide his order issued vide memo dated 14.02.2019 (Annexure-I) constituted a committee under chairmanship of District Town Planner, Municipal Corporation Karnal consisting of Technical Person from HARSAC, and NIC as well as competent officers of Municipal Corporation Karnal to examine the soft copy/supporting documents to be submitted by the Agency M/s Guru Prasad Land Solution so as to arrive at a conclusion as to whether 50% work has been completed as per scope of work or not.

3. The agency submitted a pen drive containing some data on 20.02.2019 and to examine the record/ data submitted by the agency, a meeting was convened on 05.03.2019 and during the meeting agency could not show the data on the



required platform and therefore vide memo dated 05.03.2019 (Annexure-II) the agency was directed to locally host the data and submit the same on the format / checklist provided by the Technical person of the committee. The agency failed to provide the source of the Satellite data. Therefore, the agency was to provide the specification of satellite data used by the agency and source from where the same was procured on or before 15.03.2019. Proceedings of the meeting are attached herewith as Annexure-III.

4. To monitor the progress, a meeting was again called on 19.03.2019 but on dated 19.03.2019 neither any representative of the agency attended the meeting nor they submitted any data as directed by the committee on dated 05.03.2019., Rather the agency sought a time of 20-25 days to submit the data telephonically as well as through letter dated 19.03.2019 Annexure-IV. Therefore, it was decided to grant another opportunity to the agency and the meeting was postponed to 28.03.2019. The proceeding of the meeting held on 19.03.2019 is attached as Annexure-V.

5. On dated 28.03.2019 during the meeting Discussions on the documents submitted by the agency tremendous Project Implementation Documents, project methodology, and Website Guidelines documents was held in presence of the representatives of M/s Guruprasad Land Solution & Land Surveyor. After perusal of the documents and discussion with the representatives of Agency following observations were pointed out by the committee:

i. That as per Hon'ble High Court orders M/s Guru Parsad Land Solution & Surveyor has to provide the software of the work executed by him for which he was demanding the remuneration. The work to be checked & verified has to be submitted through a software copy. On dated 05.03.2019.it was directed to the agency to show the work done on the required format/ platform as per work order. But the



agency failed to submit the required data and has not been able to do so till date. Rather they brought Power Point Presentation (PPT) that is not related to the work allotted and executed by the agency and the data of sample work was picked from internet, which is not sustainable & maintainable. Such type of presentation is required at the time of allotment of work.

ii. That whereas agency has raised bill stating that company has completed 80% work, that they failed to confirm as produced some hard copies that clearly indicate that the work has been done by picking pictures from open source that is totally illegal and not maintainable and sustainable in the eye of law.

iii. That the Technical Representative Dr. Sultan Pr. Scientist HARSAC Hissar pointed out that the base map over which the work was to be executed along with the survey details has to be furnished on GIS Based / Satellite Image. The representative of the agency informed that base map is from open source and not the satellite image with GIS referencing. Whereas as per terms of the work order The satellite image was to be procured/purchased by the agency but till date Agency has not done so.

iv. That the Agency orally as well as vide letter dated 19.03.2019 intimated that no specification was indicated in the scope for procuring satellite image and it assumed the data to be used is high resolution satellite data obtained from open source. Whereas it is clearly mentioned in the terms & conditions of work order at no.17, 18 and 19 that the data was to be procured from Satellite, which has not been done by the agency till date. Copy of work order is attached as Annexure-VI.

6. That Citing above it is clear that despite several opportunities granted to the agency, the agency could not produce any document certifying the fate of completion of his work. Moreover, the satellite data obtained from open



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source, in this case from google for the year of 2007-2008 by the company is also illegal as such data cannot be used for commercial purpose. Moreover the satellite image should be recent & not old one as has been done by the company, work has been granted to the company from agency in 2015-2016.

Now Agency M/s Guru Parsad Land Solution & Land Surveyor, submitted a written request to the committee vide letter dated 28.3.2019, seeking time of 100days so that they could procure the Satellite data from NRSC. As per their guidelines minimum 90 days period is required for the process and formalities to procure the image. It clearly proves the point that the company has not done any work as per terms & conditions of the work order. Proceeding of the meeting held on 28.03.2019 is attached as Annexure- VII.”

8. In view of the above, it is clearly transpired that the disputed question of facts cannot be adjudicated by this Court, in exercise of its powers under the writ jurisdiction. Consequently, the instant writ petition is **dismissed**.

9. However, liberty is reserved to the petitioner, to take all other alternate/efficacious remedy/ies, to establish its rightful claim, in accordance with law.

(KULDEEP TIWARI)
JUDGE

January 20, 2025
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No