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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision : 27.03.2026*

+ W.P.(C) 3891/2026 CM APPL. 19085/2026 CM APPL. 19086/2026

NAVRANG BNG ENERGY PRIVATE
LIMITED

.....Petitioner

Through: Mr. Atul Sharma, Mr. Ashutosh Jain,
Ms. Aditi Sharma and Ms. Shreya
Kak, Advs.

versus

OIL AND NATURAL GAS CORPORATION
LIMITED & ANR.

.....Respondents

Through: Mr. Chetan Sharma, ASG, Mr.
Abhimanyu Garg, Mr. Amit Gupta,
Mr. R. V. Prabhat, Mrs. Preety
Makkar, Mr. Shubham Sharma, Mr.
Yash Wardhan Sharma, Mr. Naman,
Advs. for R-1
Mr. Abhishek Gupta, CGSC with Mr.
Ratan Prakash, GP, Mr. Dhananjay
Singh, Mr. Kumar Kartikeya and Mr.
Chanakya Kene, Advs. for UOI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO , J. (ORAL)

CM APPL. 19086/2026 (for exemption)



1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 3891/2026

3. This petition has been filed with the following prayers:

“a. Issue a Writ/Order/Direction in the nature of Certiorari or any other writ/order/direction against the Respondent for quashing and setting aside the rejection dated 25.02.2026 and the subsequent rejection dated 19.03.2026, whereby the bids submitted by the Petitioner came to be rejected;

b. Issue a Writ/Order/Direction in the nature of mandamus or any other writ/order/direction directing Respondent No. 1 to reconsider and re-evaluate the Petitioner’s bids for Sector 2 and Sector 3 in accordance with law, by taking into account the substantive compliance demonstrated by the Petitioner.

c. Declare that rejection of the Petitioner’s bids on the ground of alleged format discrepancy in the bank guarantee, despite full compliance in substance, is arbitrary, unreasonable and violative of Article 14 of the Constitution of India;

d. Pass an appropriate order or direction setting aside any consequential action taken pursuant to the impugned rejection, including any steps taken towards award of the contract, to the extent it affects the Petitioner’s rights, and direct that any such action shall remain subject to the outcome of the present writ petition;

e. Direct Respondent No. 1 to not issue the Letter of Acceptance in respect of Sector 2 and Sector 3, or in the alternative, to ensure that any such issuance shall remain subject to the outcome of the present writ petition;

f. Direct that no irreversible third-party rights shall be created pursuant to the tender process, or in the alternative, that any such rights shall remain subject to the outcome of the present writ petition;



g. Pass any other/or direction which this Hon'ble Court may deem fit in the facts and circumstances of the present case and in the interest of justice."

4. In effect, the petitioner is challenging the communication annexed at Annexure P-1, whereby the respondent no. 1/Oil and Natural Gas Corporation Limited has communicated to the petitioner that its bid has been rejected by stating as under:

***“Response Description** Your representation is rejected. Reasons for rejection of offer: The e-BG submitted by the bidder is in the format of a supporting company bank guarantee for Performance Security instead of the prescribed Bid Security/Earnest Money Deposit EMD format, both serving different purposes. Hence, the submitted e-BG does not conform to the tender requirements and is not acceptable. As the bid is effectively submitted without a valid EMD, the offer is liable for rejection.”*

5. Though various submissions have been made by the counsel for the petitioner, which have been responded to by Mr. Chetan Sharma, learned Addl. Solicitor General appearing for the respondents, one of the submissions of the learned counsel for the petitioner is that, against the rejection of the bid by respondent no. 1, the petitioner had filed an appeal before the Independent External Monitor (IEM) on 19.03.2025 itself. Unfortunately, the same has not been decided by the IEM, for the reasons best known to respondent no. 1.

6. Suffice to state, we are not in agreement with the submissions of the learned counsel for the petitioner on merit. As learned counsel for the respondents' states, on instructions, that the IEM shall decide the appeal filed by the petitioner on 19.03.2025, within one week from today, we take



2026:DHC:2562-DB



the submission on record and dispose of the petition.

7. The stay application, i.e., CM APPL. 19085/2026 has become infructuous.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MARCH 27, 2026/msh