

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 13440/2026

[Arising out of impugned final judgment and order dated 25-03-2026 in WPC No. 3781/2026 passed by the High Court of Delhi at New Delhi]

M/S AARTHI OIL AND GAS EXPLORATION
SERVICES PRIVATE LIMITED

Petitioner(s)

VERSUS

OIL AND NATURAL GAS CORPORATION LIMITED & ORS.

Respondent(s)

(IA No. 113368/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 21-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :

Dr. Shashwat Bajpai, Adv.
Ms. Mishika Bajpai, Adv.
Mr. Rohit Amit Sthalekar, AOR
Mr. Siddhant Singh, Adv.
Mr. Mayank Chaturvedi, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Application for exemption from filing certified copy of the impugned judgment is allowed.
2. Heard Dr. Shashwat Bajpai, learned counsel appearing for the petitioner.

3. Our attention has been drawn to page 202 (pdf 219) clause FF which reads as under:

"FF) Relaxation to Startups (Micro and Small Enterprises or otherwise) & Micro and Small enterprises

15% relaxation in turnover Criteria shall be available to Startups (Micro and Small Enterprises or otherwise)/ Micro and Small Enterprises subject to meeting the prescribed quality and technical specification of the tendered items/services."

4. Learned counsel also draws attention to clause 5(CC) (page 199 pdf 216) which is as under:

"CC) A bidder (other than Incorporated Joint Venture) which is not able to meet the financial criteria by itself, can also submit its bid on the basis of financial capability of a Supporting Company provided each of the following conditions are fulfilled:"

5. Learned counsel submits that the petitioner while submitting the bid, took the support of Dharani Geotech Engineers Private Limited which is also a 'small enterprise'. Learned counsel submits that there is no prohibition for extending 15% rebate on turnover to a supporting entity and on the contrary Clause FF permits the same.

6. Learned counsel further submits that paragraph 23 of the impugned order (page 9 pdf 26) is erroneous, inasmuch as the High Court has held that 15% relaxation in turnover would not be applicable to the supporting company even if the supporting company is a small industry.

7. Learned counsel also submits that there is no question of double benefit, since in the financial bid what has to be looked at is only the credentials of the supporting company and 15% rebate will be applied only once in the evaluation.

8. Issue notice returnable on 4th May, 2026.

9. Any award of tender will be subject to orders by this Court.

(ANITA MALHOTRA)
AR-CUM-PS

(MANOJ KUMAR)
COURT MASTER