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

+ **W.P.(C) 11182/2018 and C.M. No.43424/2018**

**SOUTH WEST PINNACLE EXPLORATION LIMITED
(FORMERLY KNOWN AS SOUTH WEST PINNACLE
EXPLORATION PRIVATE LI**

..... Petitioner

Through: Mr. Darpan Wadhwa, Sr. Adv. with
Mr. Nikhil Singhvi, Ms. Cauveri
Birbal Mr. Mohit Seth and Mr. Satvik
Kapoor, Advs.

Versus

**OIL AND NATURAL GAS CORPORATION LIMITED
AND ANR.**

..... Respondents

Through: Mr. A.C. Mishra with Ms. Pallavi
Dubey, Advs. for R-1.
Mr. Rishi Aggrawala with Ms. Niyati
Kohli and Ms. Aarushi Tikku, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

20.02.2019

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The respondent was called up to file the affidavit disclosing the position on three aspects which are as follows:

“(1) Whether the petitioner had made bids in the past in relation to similar tenders floated by respondent no.1;

(2) What were the clauses contained in the earlier tenders in relation to Price Evaluation Criteria for the bids made in foreign currencies; the same be produced, and;

(3) Whether the respondent has been adopting the SBI card rates circulated prior to the day of opening of the bid earlier as well.”

The affidavit has been filed on record and perused by this Court. The affidavit shows that the petitioner has participated, on three earlier occasions, in tenders floated by ONGC, Corporate Materials Management, Delhi. In these tenders identical terms and conditions were incorporated in relation to Price Evaluation Criteria as adopted in the tender in question.

The respondents have also stated that respondent No.1 has been adopting the SBI Rate Cards circulated a day prior to the day of opening of the bid in the previous tenders also, as adopted in the present tender. It has also been clarified that the provision applied for conversion of bids made in foreign currency, is the same as reflected clause C.1 in the present tender.

Aforesaid being the position, we find absolutely no merit in this petition. The petitioner participated in the tendering process; never raised a query on the aspect of Price Evaluation Criteria in respect of bids made in foreign currency, and; sought to raise a grievance only when it found that it had been outbid by another bidder.

We, therefore, find no merit in this petition.

Dismissed.

We, however, direct the respondents to make necessary changes in the tendered documentation so that such like disputes are nipped in the bud.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 20, 2019

N.Khanna