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

+ **ARB. A. (COMM.) 51/2025 with I.A. 23055/2025 and I.A. 23056/2025**

**OIL AND NATURAL GAS
CORPORATION LIMITED**

.....Petitioner

Through: Mr. Chetan Sharma, ASG with Dr. Vijay Agrawal, Mr. Rahul Dubey, Mr. Aman Kumar Yadav, Mr. Amit Gupta, Mr. Shubham Sharma, Mr. Vikramaditya Singh & Mr. Naman, Advocates.

versus

STARCREST SERVICES PRIVATE LIMITEDRespondent

Through: Mr. Munish Mehra & Mr. Kunal Jain, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

16.09.2025

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1. The present appeal has been filed under Section 37(2)(b) of the Arbitration and Conciliation Act, 1996, seeking setting aside of the impugned order dated 10th September, 2025 passed by the Arbitral Tribunal.
2. The operative part of the directions passed by the Arbitral Tribunal are set out below:

“23. Therefore, in view of Clause 27.3 (1) (i) & (ii) of the General Contract Conditions, it is held that this tribunal does not have the jurisdiction to decide the issue as raised by the applicant seeking a stay on the ban dated 18.12.2023. However, it is left open for the claimant to seek appropriate remedy under the law with regard to the banning order



dated 18.12.2023.

24. Before parting with this decision, it is pointed out that vide order dated 3.9.2025, the applicant had been permitted to participate in the tender process with a direction that the bid documents be not rejected on the ground that the applicant was banned from participating in any tender process for three years, till the decision of the application filed by the applicant. The present application as filed is dismissed, as not maintainable. However, this order is to be kept in abeyance for a period of two weeks from the date a copy is served to the parties through email, to allow the applicant to seek appropriate remedy in law.”

3. Mr. Chetan Sharma, ASG appearing on behalf of the petitioner, submits that despite holding that Arbitral Tribunal does not have the jurisdiction to decide the issue raised by the applicant/respondent herein and that the application is not maintainable, the Arbitral Tribunal has put the impugned order in abeyance for a period of two (2) weeks, in order for the petitioner to seek appropriate remedies.

4. Mr. Munish Mehra, counsel appearing on behalf of the respondent, submits that the direction to put the impugned order in abeyance has become infructuous as the respondent has already invoked its alternate remedy by filing a writ petition before this Court challenging the order dated 18th December, 2023 passed by the appellant, banning the respondent from participating in tenders issued by the appellant. Needless to state, the eligibility of the respondent to participate in the tenders issued by appellant shall be subject to orders passed in the aforesaid writ petition.

5. In view thereof, the present appeal has become infructuous and is disposed of as such. All the pending applications also stand disposed of.

6. The issue whether the Arbitral Tribunal, which did not have the jurisdiction to decide the issue, could have kept the impugned order in



abeyance, is kept open.

AMIT BANSAL, J

SEPTEMBER 16, 2025

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