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

\+ W.P.(C) 6274/2026 & CM APPL. 30854/2026, CM APPL. 34190/2026, CM APPL. 34191/2026

M/S ROYAL TOURISM AND CATERERS .....Petitioner

Through: Mr. Saurabh Mishra, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY .....Respondent

Through: Mr. Sanjay Katyal, Standing Counsel for DDA with Mr.Nitish Kund, Advocate.

**CORAM:**
**HON'BLE MR. JUSTICE ANIL KSHETARPAL**
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

**% 19.05.2026**

1. The present writ petition was filed challenging the Technical Evaluation Summary dated 05.05.2026 issued by the respondent in relation to Tender pertaining to "*Running of Food and Beverage Services and Management of Wellness Centre etc. at DDA Golf Course, Dwarka*", whereby the petitioner's bid has been declared technically non-responsive.

2. The principal grievance of the Petitioner, as recorded in order dated 07.05.2026, is that though it is allegedly a Micro Enterprise and asserts entitlement to exemption from payment of tender fee and earnest money deposit, its bid has nevertheless been rejected on the ground of non-submission of tender fee.

3. At this juncture, it would be imperative to advert to the Order dated 08.05.2026, passed by this Court, which reads as under: -

> *"1. Mr. Sanjay Katyal, learned counsel for the respondent, placed for the perusal of the Court, the Consortium Agreement dated 14.03.2026 and also pointed out that the subject tender was submitted by a Consortium or Joint*

*Venture comprising of M/s Royal Tourism and Caterer Pvt. Ltd. and M/s Tirupati Infiraprojects Pvt. Ltd. He asserted that the petitioner-Royal Tourism and Caterers has entered into a Joint Venture in order to meet the condition of turnover, as it did not have sufficient turnover of its own.*
*2. After hearing for some time,* ***we are of the prima-facie opinion that since the tender document was filed as a Consortium, neither the petitioner's status of MSME being a part of Consortium, could entitle the applicant-Consortium to claim the benefits of MSME provisions nor could the petitioner, as a company maintain the present petition.***
*3.* ***Surprisingly, the petitioner has neither stated this fact in the memo of petition nor has it placed on record the Consortium agreement dated 14.03.2026; the instant writ petition, as framed, is thus not maintainable.***
*4. Learned counsel for the petitioner prays for and is granted a week's time to complete instructions.*
*5. List this ease on 14.05.2026."*

4. Notably, during the course of proceedings on 08.05.2026, learned counsel for the Respondent had placed before the Court the Consortium Agreement dated 14.03.2026 and pointed out that the bid in question had not been submitted by the Petitioner in its independent capacity but by a Consortium/Joint Venture comprising M/s Royal Tourism and Caterer Pvt. Ltd. and M/s Tirupati Infraprojects Pvt. Ltd.

5. Taking note thereof, this Court had recorded a *prima facie* view that the Petitioner had neither disclosed the said fact in the writ petition nor placed the Consortium Agreement on record and further observed that the maintainability of the petition, as framed, was in question.

6. Today, despite opportunity having been granted, the aforesaid position recorded in the order dated 08.05.2026 has not been disputed. The admitted position, therefore, remains that the bid subject matter of challenge had been submitted by a consortium/joint venture and not by the Petitioner independently.

7. We also find that the existence of the consortium arrangement and the Consortium Agreement dated 14.03.2026 constitutes material facts having direct bearing on the maintainability of the petition as well as on the nature of relief sought. However, these facts were not disclosed in the writ petition. Even when specifically queried by the Court, learned counsel for the Petitioner was unable to explain as to how the present petition, instituted by one constituent alone, would be maintainable when the bid itself emanated from a consortium entity.

8. Once the challenge pertains to rejection of a bid submitted by a consortium, the issue of maintainability assumes significance and could not have been bypassed by omission of the underlying consortium arrangement.

9. Even otherwise as noted in the order dated 08.05.2026, once the bid was submitted by the consortium, the benefit of exemption from payment of tender fee cannot be granted when admittedly one of the partners of the consortium is not MSME. Thus, the Respondent cannot be faulted for declaring the subject bid as non-responsive on account of not depositing of tender fee.

10. Learned counsel for the Respondent has additionally submitted that the tender process has progressed and the contract already stands awarded.

11. The writ petition is accordingly dismissed along with pending application(s), if any.

**ANIL KSHETARPAL, J**

**AMIT MAHAJAN, J**

**MAY 19, 2026**/*DU*