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

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Judgment Reserved on: 24.07.2026

Judgment delivered on: 04.08.2026

Judgment uploaded on: 04.08.2026

+ **W.P.(C) 8673/2026 CM APPL. 40605/2026 CM APPL. 46733/2026**

TEN 11 HOSPITALITY PVT LIMITED

..... Petitioner

versus

INDIAN RAILWAY CATERING AND TOURISM
CORPORATION LTD (IRCTC) AND ORS

.....Respondents

Advocates who appeared in this case

For the Petitioner : Ms Dimple Mahna, Ms Surjit Kaur
Bhatti and Mr. Harshit Bhatti,
Advocates

For the Respondents : Mr. Saurav Agrawal, Mr. Anshuman
Chowdhary, Ms. Kiran Devrani and
Ms. Anusha Sinha, Advocates

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****JUDGMENT****MANMEET PRITAM SINGH ARORA, J.**

1. The present writ petition challenges the eligibility criteria prescribed under Clauses 1.11.4(2) and 1.11.4(3) of E-Tender No. 2026/IRCTC/CO/Executive Lounge dated 12.06.2026 ('Impugned Tender'),



issued by Respondent No. 1/IRCTC¹ for the operation of the Executive Lounge at Platform No. 1, Pune Railway Station, to the extent that the said criteria excludes Railway Lounge operators from participating in the bidding process. The Petitioner seeks a direction to the Respondents to amend the Technical Eligibility Criteria so as to include operators having experience in operation and management of Railway Executive Lounges.

2. The relevant Clause 1.11.4(2) and Clause 1.11.4(3) read as under:

“1.11.4 Technical Eligibility Criteria

To be considered as technically qualified, a Bidder shall fulfil the following eligibility criteria. The Bidder failing to meet all of the below eligibility criteria shall be disqualified and shall not be considered for evaluation of Financial Bid. The details are as under:

S N .	Basic Requirement	Specific Requirements	Documents Required
1	...	...	...
2	Annual Turn over	The Bidder shall have an average annual turnover of INR 05 Crore in last 03 financial years i.e 2022-23, 2023-24 & 2024-25. The turnover of the bidder should not be NIL (Zero) in any of the three (03) Financial years as above. (1. The turnover of Hotel here means turnover from room rent, food & beverages and from other services provided to the guests by the Hotel like banquets, conferences, telephone, travel desk etc. 2. The turnover of Lounge or	a) Bidders are required to submit Audited Balance Sheet and Profit & Loss account statement duly Audited by the chartered accountant for last three (03) Financial Years i.e. 2022-23, 2023-24 & 2024- 25 having UDIN number. b) Bidders are required to upload “Certificate for breakup of Annual Turnover” as per Form-3 issued by statutory auditor/Chartered Accountant, clearly specifying the Annual turnovers of the Bidder for all financial years. The “CERTIFICATE FOR BREAKUP OF SALES” uploaded by the bidder must

¹ Indian Railway Catering And Tourism Corporation Ltd



		Catering outlet at International Airport here means turnover from sales from Entry charges, food & beverages)	bear UDIN.
3	Similar Work Experience	1. The Bidder should have experience in operation & management of any 3 Star and above category of Hotel for the last five (05) years (reckoning from Bid Due Date) in Railways premises/ outside Railways premises which may be owned business/awarded contracts/ franchisee operation/ partnership business/Management on lease of running the Hotel. <u>Or</u> 2. The Bidder should have experience in operation & management of any Lounge Or Catering outlet for the last five (05) years (reckoning from Bid Due Date) in International Airports which may be owned business/awarded contracts/ franchisee operation/ partnership business/Management on lease of running the Lounge Or Catering outlet.	1. The applicant is required to submit a copy of following license/document for the property/unit issued during any of the five (05) years (reckoning from the bid due date) by state/central government/PSU/Autonomous body in the name of applicant or any other currently valid state/central government document/license issued in name of applicant clearly establishing operations of hotel by the applicant, for example:- • Fire Safety Certificate • Shop and Establishment Registration • FSSAI • Star Classification Certificate issued by Ministry of Tourism or any other empowered entity in India valid for the last 5 years. • Certificate/Letter of award issued by client of the bidder towards operation of 3 Star or above category Hotel.



			2. The applicant is required to submit a copy of following license/document for the Lounge/Catering outlet in International Airport issued during any of the five (05) years (reckoning from the bid due date) by state/central government/PSU/Autonomous body in the name of applicant along with license agreement / contract agreement which should be currently valid document clearly establishing operations & management of Lounge or Catering outlet by the applicant. The applicant shall also submit copy of the currently valid FSSAI certificate of the Lounge or Catering outlet. In addition to above, the Bidder shall enclose FORM-4 of Section-IV clearly specifying the details of similar works /business projects of the Bidder.
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SUBMISSION ON BEHALF OF THE PETITIONER

3. Ms. Dimple Mahna, learned counsel for the Petitioner states that the Petitioner is engaged in the business of developing, operating and managing



Executive Lounges and is presently operating Railway Executive Lounges at Mumbai, Chennai, Lucknow and Vadodara Railway stations.

3.1. She states that the Respondent No. 1/IRCTC floated the Impugned Tender restricting the participation exclusively to the operators having experience operating International Airport Lounges or Hoteliers.

3.2. She states that exclusion of experienced operators of Railway Executive Lounges, while giving preference to operators of Airport Lounges which have no experience in dealing with the Railway stations, is a classification which has no rational nexus with the object sought to be achieved.

3.3. She states that Railway stations have been classified into three groups, namely Non-Suburban group (NSG), Suburban group (SG) and Halt group (HG), which are further graded as NSG-1 to NSG-6, SG-1 to SG-3 and HG-1 to HG-3. She submits that NSG-1 represents the highest category of Railway stations comprising stations having annual passenger earnings exceeding Rs. 500 crores and/or annual originating passenger traffic exceeding 20 million passengers.

She states that the Chennai railway station, where the Petitioner operates the Executive Lounge, is one of the stations classified as NSG-1; therefore, the Petitioner's experience is significant and of a qualitative nature, enabling it to qualify to participate in the bidding process.

3.4. She refers to the photographs of the Petitioner operated Executive lounge in Chennai to demonstrate the high quality of services rendered by the Petitioner and states that by way of this writ petition, the Petitioner is



only seeking an opportunity to participate in the bidding process as it has significant experience.

SUBMISSION ON BEHALF OF THE RESPONDENT

4. In reply, Mr. Saurav Agrawal, learned counsel for the Respondents, states that Respondent No.1/IRCTC is a distinct entity from Railways. He states that the Petitioner is operating an Executive Lounge at Chennai which was awarded by the Railways and not by Respondent No.1/IRCTC.

4.1. He states that Respondent No. 1/IRCTC has no supervisory control over the Executive Lounge operated by the Petitioner at Chennai Railway Station and is, therefore, unable to confirm or deny the averments made in the writ petition regarding the standard and quality of services provided therein. He, however, acknowledges that the photographs of the said Executive Lounge annexed to the writ petition demonstrate that the services provided are of a good standard.

4.2. He states that the decision taken by Respondent No.1/IRCTC to exclude the executive operators of Railway Lounges is based on the institutional experience which Respondent No.1/IRCTC has from the lounges operated on the stations by the operators, to which Respondent No.1 awarded the contract.

4.3. He states that seven [7] Executive Lounges are presently being operated by Respondent No.1/IRCTC through its vendors; however, in view of complaints received from passengers regarding the quality of services at these lounges, Respondent No. 1/IRCTC is not satisfied with the existing standards. He states that accordingly, the Executive Lounge at Pune Railway



Station is being undertaken as a pilot project, under which Respondent No. 1 and the successful bidder will jointly invest in developing the requisite infrastructure. The objective is to improve and upgrade the quality of services by engaging entities having experience in operating 3-star hotels or lounges at International Airports. He states that it is in furtherance of this objective that the eligibility criteria under Clauses 1.11.4(2) and 1.11.4(3) of the Impugned Tender have been prescribed, with greater emphasis on technical competence and service quality rather than merely securing the highest financial bid. He states that the intention of Respondent No.1/IRCTC is to serve the larger public interest by providing railway passengers with high-quality facilities comparable to those available at International Airports and thereby introducing a higher standard of service at Executive Lounges situated at Railway Stations.

4.4. He further states that this exclusion of the operators of Railway Executive Lounges is limited to the Impugned Tender only and the Petitioner has sufficient opportunities to participate in other tenders floated by Railways for different Executive Lounges.

4.5. He relies upon a short note handed over during arguments on case laws that the eligibility conditions set down by the tendering authority ought not to be interfered with by the Court on the ground that different terms could have been provided which could have permitted participation of other tenderers as well.

5. However, after some arguments, learned counsel for the Respondent, Mr. Agrawal, submitted on instructions that the Respondent is willing to amend the technical eligibility criteria at Clause 1.11.4(2) and Clause



1.11.4(3) to permit operators of Executive Lounges at Railway stations to participate in the tender process. He states that the Respondent does not wish to delay the tender process on account of the objections raised by the Petitioner.

6. In response to this concession of the Respondent No.1, learned counsel for the Petitioner has submitted that she opposes this suggestion on the ground that since Clause 1.11.4(3) at condition no. 2 requires the bidder to have 5 years of experience. She states that the Petitioner herein has less than 5 years of experience, thus, even with this amendment it will not be eligible to participate in this tendering process.

6.1. She further submits that by merely incorporating Railway Lounge operators in Clause 1.11.4(3), the participation will open to all other operators of Railway Executive Lounges, including the stations categorised as SG and HG. She states that the Respondent should modify Clause 1.11.4(2) and Clause 1.11.4(3) to such extent as to relax the condition of the having last 5 years of experience and restrict the participation to Executive Lounges of Railway Stations of NSG-1 only.

CASE ANALYSIS

7. This Court has heard the learned counsel for the parties and perused the record.

8. The Respondent No.1/IRCTC had during the course of the arguments submitted before us a comparison of the technical criteria prescribed by it, in the tenders issued by it for its Executive Lounges in the year 2017, 2022 and 2024 and in the present impugned tender.



The comparison shows that in the tenders for the year 2017, 2022 and 2024, operators of Executive Lounges at Railway Stations were permitted to participate.

9. It is for the first time in the impugned tender, for Pune Railway Station, that the Respondent No.1 has excluded the operators of Railway Executive Lounges.

10. In view of the fact that all past tenders permit participation of operators of Railways Executive Lounges as well as the submissions of the Petitioner that it is successfully operating as an Executive Lounge at Chennai Railway Station as per the standards prescribed by Railways, we were persuaded to entertain this petition to understand the basis of the Respondent No.1/IRCTC for excluding the operators of Executive Lounges at Railway Stations.

11. As noted above, the Respondent No.1/IRCTC agreed to amend the tender criteria and include the operators of Executive Lounges at Railway Stations in Clause 1.11.4(2) and Clause 1.11.4(3), which concession conforms with the reliefs sought by the Petitioner in this present writ petition. This concession of the Respondent satisfies the relief sought in the writ petition.

12. However, the Petitioner has during arguments submitted that the proposed amendment is too broad-based as it would permit the operators of Executive Lounges at Railway Stations across the board, without any limitation to NSG-1 stations. The Petitioner further prayed for direction vis-a-vis amendment to the experience criteria of 5 years to be reduced to 3



years to match with the Petitioner's existing experience. These submissions of the Petitioner are beyond the grounds raised in the writ petition.

These oral submissions of the Petitioner have no legal or factual basis, and hence, fail to persuade the Court. We find no ground to limit the participation criteria only to the operators of the Executive Lounges at Railway Stations of NSG-1 Stations or reduce the experience criteria from 5 years to 3 years.

13. In fact, we are of the opinion that passing any such directions, at the behest of the Petitioner would indeed lead to committing a folly of making the bid tailor-made to accommodate the Petitioner herein, which is impermissible in law.

14. In view of the aforesaid facts, where the Petitioner is arguing beyond the reliefs prayed for in the petition and is not satisfied even if the relief prayed for is granted, we find no ground to entertain this petition and interfere with the criteria set down by the Respondent No.1/IRCTC.

15. The Petitioner's submission that it would remain ineligible to participate in the bidding process even if the tender conditions were modified in terms of the relief sought in the present writ petition, as it fails to meet the experience criteria of five years, necessarily implies that the Petitioner lacks the locus standi to challenge the Impugned Tender.

16. In view of the above observations, we are not inclined to entertain the present petition.

17. Though, the legal issue whether the Respondent can exclude operators of Executive Lounges at railway stations is left open to be determined in a



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case where the petitioner therein is directly affected.

18. With the aforesaid observations, the petition is dismissed. Pending applications are disposed of.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

AUGUST 04, 2026/msh/AJ