2026:DHC:1605

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

\+ **W.P.(C) 11446/2025 and CM APPL. 46946/2025**

Date of decision: **11.02.2026**

THE INDURE PRIVATE LIMITED
Having its Registered office At
The Indure House G.K.-II
New Delhi -110048 .....Petitioner

(Through: Mr. Prashant Mehta ,Mr. Varun Gupta and Mr.Ronak Gupta, Advocates.)

Versus

1. GOVERNMENT OF NCT OF DELHI
THROUGH
ASSISTANT COLLECTOR GRADE-I/SDM
(KALKAJI) 37, Tughlakabad Institutional Area,
Kalkaji, New Delhi – 110062
.....Respondent No.1

2. MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL (MSEFC),
MANDALIYE SUKSHAM AND LAGHU UDYAM
THROUGH CHAIRPERSON,
Udyog Bandhu Bhawan, 10th Floor,
Moti Mahal Campus, Hazratganj,
Agra Zone, U.P. - 282006
.....Respondent No. 2

3. M/S AV VALVES LIMITED
16, Industrial Estate,
Nunhai, Agra, U.P.- 282006
.....Respondent No. 3

(Through: Ms. Urvi Mohan, Advocate.)

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CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The instant petition is for the following reliefs:-

> *"A. Issue a writ of mandamus quashing the recovery notice dated 21.07.2025 issued by Respondent Nos. 1.*
>
> *B. Issue a writ of mandamus restraining Respondents from taking any coercive steps against the Petitioner pursuant to the impugned award dated 26.11.2024, during the pendency of the Application under section 34 of Arbitration and Conciliation Act, 1996 read with section 36(3) against the unlawful proceedings of the Ld. Arbitral Tribunal formed under MSMED Act, 2006 before the Agra Court.*
>
> *C. Pass such other order(s) as may be deemed just and proper in the interest of justice."*

2. The facts of the case would indicate that the respondent no.3 i.e. M/s. AV Valves Limited had filed a petition before the Micro and Small Enterprises Facilitation Council (MSEFC), Uttar Pradesh *qua* an alleged claim of ₹33,49,322/-. An arbitral award was passed by the MSEFC, Agra, U.P. against the petitioner. The petitioner submits that the copy of the award was received by the petitioner on 26.11.2024. Thereafter, the petitioner has filed objections under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter "**Arbitration Act**") read with Section 19 of the MSMED Act, 2006 (hereinafter "**MSMED Act**") before the Commercial Court, Agra, U.P.

3. The petitioner seems to have deposited a sum of ₹14,07,254/- *via* RTGS as part of 75% of the award amount, in compliance with Section 19

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of the MSMED Act. Subsequently, a recovery notice dated 21.07.2025 came to be issued by the Assistant Collector, Grade-I/SDM Kalkaji, Delhi, seeking to recover ₹46,24,862/- as arrears of land revenue (hereinafter "**Impugned Notice**"). It is, this notice, that the petitioner, seeks to assail in the present petition.

4. Various submissions have been made by the learned counsel for the petitioner to the effect that without filing the execution petition before the MSEFC and an adjudication being made in relation thereto, the recovery certificate ought not to have been sent to the concerned SDM, Kalkaji, Delhi.

5. A perusal of the Impugned Notice would indicate that the same is in consequent of the recovery certificate issued by the Chairperson, Mandaliye Suksham and Laghu Udhyam, Facilitation Counseling, Agra, U.P. The petitioner, therefore, will have to assail the Impugned Notice as also the underlying foundational order passed by the concerned Council from Agra, U.P., before the Court of competent jurisdiction.

6. In ***SS Jain & Co. & Anr. v. Union of India & Ors.***,[1] which was later relied upon in ***Kusum Ingots v. Alloys Ltd. v. Union of India***[2] the Court in exceedingly eloquent terms held "*Just as a litigant is not permitted to choose his judge, so also shall a litigant not choose his High Court in the matter of presentation of his writ application.*" The problem noted in the said case was that more than one High Court, usually has the jurisdiction to maintain a writ petition under Article 226 of the Constitution, on grounds

[1] 1993 SCC OnLine Cal 306.

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that a part of the cause of action arose within the territorial jurisdiction of the Court.

7. However, the Court cautioned that it cannot, in such cases, be left to the petitioner to choose, according to his own sweet will, where he wishes to file a writ. Unlike suits, writs are inherently discretionary, and a petitioner cannot, as a matter of right, claim that his writ be entertained by a given Court. The petitioner ought to approach the Court that has, by far, the largest connection with the facts giving rise to his grievance.

8. The High Court must examine whether there is another High Court more "*dominantly connected*" with the cause of action, and if a conclusion is reached that there is one, the petitioner ought to be relegated to that Court. The material portion of the judgement in ***SS Jain*** reads as under:

> *"12. This brings me to the crux of the problem. The problem is this. It now happends quite often in India that a petitioner, who wishes to apply under Article 226 of the Constitution of India, finds that more than one High Court has connection with the cause of action in question. Take the present case as an example. The vessel came into the Bombay Port. The dismantling work without the use of power would take place presumably at Bombay. The provisional assessment order was made ready at Bombay although it was finally made effective by serving it upon the petitioners in Calcutta. The relevant Customs departments and officials are all at Bombay.*
> *13. Two High Courts therefore have jurisdiction to entertain a writ for the present grievances of the petitioners. The High Court at Bombay has jurisdiction and also this High Court. Is it to be left to the petitioner to choose which High Court he will go to?*
> *14. Is it to be left to the petitioner to choose that High Court which has much less connection with the entire bundle of facts making up the cause of action of the writ if he thinks it will more suit his covenience?*
> *15. <u>The answers to both these questions must be in the negative. The wording of Article 226 of the Constitution of India itself clarifies that the High Court would have jurisdiction in case even a part only of the cause of</u>*

[2] (2004) 6 SCC 254.

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> *action arise, within its local limits. But there is nothing in that Article to show that if a part of the cause of action has arisen within such limits, the petitioner can approach that High Court as of right, and that the said High Court must, under the Constitution entertain the writ petition there.*
> *16. It is not the choice of the petitioner which is the final deciding factor in this regard. It might be so in cases of institution of suits but it is not so in the matter of issuance of these prerogative writs.*
> *17. Where the question of taking of leave of a Court arises before filing a suit, there the Court might refuse leave where only a slender part of the cause of action has arisen within its local limits. The Court could even rescind the leave later on upon that ground, if the defendant applies subsequently.*
> *18. There is no such clause for taking of leave in Article 226 of the Constitution. The remedy itself is descretionary and so also there rests a further discretion with the High Court, whether it will at all entertain the writ in the first place.*
> *19. The High Court, in appropriate cases, can and should, examine the bundle of facts constituting the cause of action to see if some other High Court can be said to be dominantly connected with the cause of action, rather than itself. In case the High Court comes to such a conclusion, then in my opinion, it would be improper for the writ petitioner to proceed in the High Court having a far less, and a mere slender connection with the cause of action. The writ petitioner in that case should be relegated to seek his remedy before that other High Court, having the dominantly larger connection. Just as a litigant is not permitted to choose his judge, so also shall a litigant not choose his High Court in the matter of presentation of his writ application. He shall approach that High Court only which has by far the largest connection with the facts giving rise to his grievance."*

9. In ***Damomal Kauromal Raisingani v. Union of India***,[3] it was contended that since the order impugned in that petition was passed from Delhi, the Bombay High Court had no jurisdiction to entertain the writ. Rejecting this argument, the Court held that without doubt, a part of a cause of action would lie at the place the effect/consequence of an order is felt. Thus, the Bombay High Court would also have jurisdiction to entertain the *lis*, despite the order having been passed from Delhi.

[3] 1965 SCC OnLine Bom 129 (DB).

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10. Further, in ***New Horizons and Anr. v. Union of India and Ors.***[4] which was also later relied upon in ***Kusum Ingots*** (supra), a Division Bench of this Court dealt with a factual matrix, where, a tender was issued for, inter alia, the making and delivery of a directory to respondent no. 3 located at Hyderabad, and respondent no. 4 a company situated in New Delhi, was declared the successful bidder. Assailing the said decision, a writ was filed in this High Court seeking quashing of the award of the contract to respondent no. 4, and a direction for the respondents to accept the petitioner's bid. While the Division Bench entertained the matter on grounds that substantial arguments were heard, it was, importantly, also observed that:

> *"We could certainly have directed the petitioners to approach the Andhra Pradesh High Court which also has jurisdiction in the matter since the telephone directories were required for Hyderabad Telecom District and the contract was to be entered into there and the records were also maintained there in Hyderabad. We could decline to exercise jurisdiction under article 226 of the Constitution in such a matter in spite of the fact of our having jurisdiction in the matter."*

11. Following the said decisions, the Supreme Court in ***Kusum Ingots*** (supra) while invoking the concept of *Forum Conveniens* (or *Forum Non Conveniens* as it is more popularly called), declared that the mere fact that a part of the cause of action has accrued within the territorial jurisdiction of a Court would not be determinative factor compelling a High Court to decide the matter. In appropriate cases, the Court may refuse to exercise the inherently discretionary writ jurisdiction. The material portion of the judgement reads as under:

[4] 1993 SCC OnLine Del 564 (DB).

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> *"Forum conveniens*
> *30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens. [See Bhagat Singh Bugga v. Dewan Jagbir Sawhney [AIR 1941 Cal 670 : ILR (1941) 1 Cal 490] , Madanlal Jalan v. Madanlal [(1945) 49 CWN 357 : AIR 1949 Cal 495] , Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd. [1997 CWN 122] , S.S. Jain & Co. v. Union of India [(1994) 1 CHN 445] and New Horizons Ltd. v. Union of India [AIR 1994 Del 126]"*

12. In ***ONGC v. Utpal Kumar Basu***,[5] a 3-Judge Bench of the Supreme Court was moved to answer the question as to whether the Calcutta High Court would have territorial jurisdiction to entertain a writ petition where, the petitioner has pleaded that:

> *"4. ...*
> *Para 5. NICCO came to know of the tender from the publication in the Times of India 'issued and obtained' by NICCO within the said jurisdiction;*
> *Para 7. NICCO issued/submitted its tender on 19-8-1991 from its registered office within the jurisdiction of the Calcutta High Court which was received by EIL at New Delhi;*
> *Para 18. NICCO submitted its revised price bid by letter dated 3-12-1992 issued from its registered office within the aforesaid jurisdiction;*
> *Para 22. By communication dated 4-12-1992 issued from its registered office, NICCO made demands for justice to various authorities; and*
> *Para 26. By letters addressed to different agencies including the Steering Committee of ONGC in January/February 1993 from its registered office, NICCO made demands for justice."*

13. While reversing the judgement of the Calcutta High Court, which had exercised jurisdiction on grounds that a part of cause of action had arisen within its jurisdiction, the Supreme Court in strong words held as under:

> "*12. ...Notwithstanding the strong observations made by this Court in the aforesaid decision and in the earlier decisions referred to therein, we are*

[5] (1994) 4 SCC 711.

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distressed that the High Court of Calcutta persists in exercising jurisdiction even in cases where no part of the cause of action arose within its territorial jurisdiction. It is indeed a great pity that one of the premier High Courts of the country should appear to have developed a tendency to assume jurisdiction on the sole ground that the petitioner before it resides in or carries on business from a registered office in the State of West Bengal. We feel all the more pained that notwithstanding the observations of this Court made time and again, some of the learned Judges continue to betray that tendency. Only recently while disposing of appeals arising out of SLP Nos. 10065-66 of 1993, Aligarh Muslim University v. Vinay Engineering Enterprises (P) Ltd.*, this Court observed:*

> *"We are surprised, not a little, that the High Court of Calcutta should have exercised jurisdiction in a case where it had absolutely no jurisdiction."*

In that case, the contract in question was executed at Aligarh, the construction work was to be carried out at Aligarh, the contracts provided that in the event of dispute the Aligarh court alone will have jurisdiction, the arbitrator was appointed at Aligarh and was to function at Aligarh and yet merely because the respondent was a Calcutta-based firm, it instituted proceedings in the Calcutta High Court and the High Court exercised jurisdiction where it had none whatsoever. It must be remembered that the image and prestige of a court depends on how the members of that institution conduct themselves. If an impression gains ground that even in cases which fall outside the territorial jurisdiction of the court, certain members of the court would be willing to exercise jurisdiction on the plea that some event, however trivial and unconnected with the cause of action had occurred within the jurisdiction of the said court, litigants would seek to abuse the process by carrying the cause before such members giving rise to avoidable suspicion. That would lower the dignity of the institution and put the entire system to ridicule. We are greatly pained to say so but if we do not strongly deprecate the growing tendency we will, we are afraid, be failing in our duty to the institution and the system of administration of justice. We do hope that we will not have another occasion to deal with such a situation."

14. A Division Bench of this Court in ***Indo Gulf Explosives Ltd. and Anr. v. UP State Industrial Development Corporation and Anr.***,[6] a company set up in U.P. had entered into an agreement with the said State. Thereafter, a demand notice issued by the State of U.P was received by the petitioner, and the same was assailed by the petitioner before this Court on

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grounds that — *first*, the impugned notice was received in Delhi; and *second*, the petitioner had its head office in Delhi. This Court relying on the decision of the Supreme Court in ***State of Rajasthan v. M/s. Swaika Properties***,[7] declined to entertain the writ petition and importantly held:

> "*The mere fact that the registered office of the appellant is in Delhi where the two communications dated 27.2.1996 and 22.7.1996 were received,* ***will not be an integral part of cause of action for such a petition***."
>
> [Emphasis supplied]

15. In ***Union of India v. Adani Exports Ltd.***,[8] the writ petitioner had challenged the denial of benefits under an import-export scheme (hereinafter "**Passport Scheme**") before Gujarat High Court, which had entertained the writ petition, and the same was assailed before the Supreme Court. The different factual indicia, *prima facie*, appearing to favour the jurisdiction of different High Courts were:

Facts supporting the jurisdiction of Gujarat High Court	Facts supporting the jurisdiction of Madras HC
1. The petitioner carried out business of export and import from Ahmedabad; 2. Non-granting and denial of utilisation of the credit in the passbook was to affect the business at Ahmedabad. 3. The orders of export and import of the petitioner are placed from and are executed at Ahmedabad; 4. Documents and payments for export and import are sent/made at Ahmedabad; and 5. Credit of duty claimed in respect of exports were handled from Ahmedabad	1. Passbook in question was issued by an authority at Chennai; 2. Designated authority, which is the competent person in respect of matters concerning the Passbook Scheme is at Chennai; 3. The entries in the passbook under the scheme are to be made by authorities at Chennai. 4. The export of prawns made by the petitioner and the import of the inputs, benefit of which the petitioner is seeking, will also have to be made through the

[6] 1999 SCC OnLine Del 243 (DB).
[7] AIR 1985 SC 1289.
[8] (2002) 1 SCC 567.

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since export orders as well as payments were received at Ahmedabad.	Chennai port.

16. The Supreme Court held that the Gujarat High Court did not have jurisdiction to entertain the *lis*, and it was the Madras High Court, before which the writ petition should have been filed. It was re-iterated by the Supreme Court that each and every fact pleaded in the petition does not *ipso facto* lead to the conclusion that those facts give rise to a cause of action within the court's territorial jurisdiction unless those facts pleaded are such which have nexus or relevance with the *lis* that is involved in the case. Facts which have no bearing with the *lis* or the dispute involved in the case, do not give to a cause of action so as to confer territorial jurisdiction on the Court concerned.

17. A Division Bench of this Court in ***Okhla Enclave Plot Holders Welfare Association v. State of Haryana and Ors.***,[9] importantly, observed at para. 24-26 "*the residence or location of the petitioners is not relevant*" to determine whether a Court has territorial jurisdiction to entertain a given petition.

18. Unequivocally, the Supreme Court in ***Alchemist Ltd. v. State Bank of Sikkim***,[10] held that not every fact pleaded constitutes a part of the cause of action. The Court must consider whether such fact constitutes a material, essential or integral part of the cause of action. The material portion of the decision reads as under:

"*37. From the aforesaid discussion and keeping in view the ratio laid down*

[9] 2002 SCC OnLine Del 217 (DB).
[10] (2007) 11 SCC 335.

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> *in a catena of decisions by this Court, it is clear that for the purpose of deciding whether facts averred by the appellant-petitioner would or would not constitute a part of cause of action, one has to consider whether such fact constitutes a material, essential, or integral part of the cause of action. It is no doubt true that even if a small fraction of the cause of action arises within the jurisdiction of the court, the court would have territorial jurisdiction to entertain the suit/petition. Nevertheless it must be a "part of cause of action", nothing less than that.*"

19. The same principle was also upheld in the case of ***Sterling Agro Industries Ltd. v. Union of India***,[11] wherein, this Court ruled that while exercising jurisdiction under Article 226 of the Constitution of India, the doctrine of *forum conveniens* can be applied. Also, the Court observed that the situs of the authority passing the order impugned in a petition cannot be the sole determinative criteria requiring this Court to entertain a writ. Further, the Court laid down that the cause of action depends upon the factual matrix of each case and cannot be totally based on the situs of the tribunal/appellate authority/revisional authority while completely ignoring the concept of *forum conveniens*. In paragraph nos. 32 and 33 of the said decision, this Court held that:

> *"32. The principle of forum conveniens in its ambit and sweep encapsulates the concept that a cause of action arising within the jurisdiction of the Court would not itself constitute to be the determining factor compelling the Court to entertain the matter. While exercising jurisdiction under Articles 226 and 227 of the Constitution of India, the Court cannot be totally oblivious of the concept of forum conveniens. The Full Bench in New India Assurance Co. Ltd. (supra) has not kept in view the concept of forum conveniens and has expressed the view that if the appellate authority who has passed the order is situated in Delhi, then the Delhi High Court should be treated as the forum conveniens. We are unable to subscribe to the said view.*
> *33. In view of the aforesaid analysis, we are inclined to modify, the findings and conclusions of the Full Bench in New India Assurance Company Limited (supra) and proceed to state our conclusions in seriatim as follows:*
> *(a) The finding recorded by the Full Bench that the sole cause of action*

[11] 2011 SCC OnLine Del 1385.

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emerges at the place or location where the tribunal/appellate authority/revisional authority is situated and the said High Court (i.e., Delhi High Court) cannot decline to entertain the writ petition as that would amount to failure of the duty of the Court cannot be accepted inasmuch as such a finding is totally based on the situs of the tribunal/appellate authority/revisional authority totally ignoring the concept of forum conveniens.

(b) Even if a miniscule part of cause of action arises within the jurisdiction of this court, a writ petition would be maintainable before this Court, however, the cause of action has to be understood as per the ratio laid down in the case of Alchemist Ltd. (supra).

(c) An order of the appellate authority constitutes a part of cause of action to make the writ petition maintainable in the High Court within whose jurisdiction the appellate authority is situated. Yet, the same may not be the singular factor to compel the High Court to decide the matter on merits. The High Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens.

(d) The conclusion that where the appellate or revisional authority is located constitutes the place of forum conveniens as stated in absolute terms by the Full Bench is not correct as it will vary from case to case and depend upon the lis in question.

(e) The finding that the court may refuse to exercise jurisdiction under Article 226 if only the jurisdiction is invoked in a malafide manner is too restricted/constricted as the exercise of power under Article 226 being discretionary cannot be limited or restricted to the ground of malafide alone.

(f) While entertaining a writ petition, the doctrine of forum conveniens and the nature of cause of action are required to be scrutinized by the High Court depending upon the factual matrix of each case in view of what has been stated in Ambica Industries (supra) and Adani Exports Ltd. (supra).

(g) The conclusion of the earlier decision of the Full Bench in New India Assurance Company Limited (supra) "that since the original order merges into the appellate order, the place where the appellate authority is located is also forum conveniens" is not correct.

(h) Any decision of this Court contrary to the conclusions enumerated hereinabove stands overruled."

20. In ***Eastern Coalfields Ltd. v. Kalyan Banerjee***,[12] the Supreme Court, again, declared that merely because the head office of a given corporation is situated within the jurisdiction of given High Court would not confer

[12] (2008) 3 SCC 456.

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jurisdiction about that Court to entertain a given *lis*.

21. It may also be noted that parties cannot, through the means of a private agreement, require a writ Court to exercise jurisdiction in a case where it would not otherwise entertain a given petition. The Constitutional Court cannot be moulded to suit the fancies of parties expressed in their contract. In this connection this Court in ***Durgapur Freight Terminal Pvt. Ltd. and Anr. v. Union of India***,[13] has held:

> *"29. The petitioners' reliance on Clause 26.4.1 of the License Agreement to attract jurisdiction of this Court is also fundamentally flawed. Jurisdiction clauses in the contracts would decide the jurisdiction within which contractual disputes are resolved. Party autonomy is the reason for such choice being provided to contracting parties to chose a forum of their mutual choice in contractual disputes. However, when a party chooses to invoke extraordinary writ jurisdiction of a constitutional Court, the jurisdiction clause in the contract cannot be a guiding factor. Regardless, even in contracts, one cannot confer jurisdiction by way of jurisdiction clauses on a Court that does not have one. One can only confine jurisdiction to one of the two competent Courts that have jurisdiction. As already held, this Court lacks jurisdiction to start with, therefore, even under Clause 26.4.1 of the license agreement, this Court does not attract jurisdiction in the matter. The whole argument advanced by the petitioners on "seat v. venue" is misplaced. There is no need to refer to Clause 26.4.1 of the License Agreement dated 19.09.2012 to look for signs to find if this Writ Court will have jurisdiction."*

22. A converse situation emerged in ***Mahrashtra Chess Association v. Union of India & Ors.***,[14] where the By Laws of the second respondent therein i.e., the All India Chess Federation provided as under:

> "*21. Legal Course*
> *(i) The Federation shall sue and or be sued only in the name of the Hon. Secretary of the Federation.*
> *(ii) Any Suits/Legal actions against the Federation shall be instituted only in*

[13] 2023 SCC OnLine Del 1254.
[14] Civil Appeal No. 5654 of 2019, order dt. 29.07.2019.

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> *the Courts at Chennai, where the Registered Office of All India Chess Federation is situated or at the place where the Secretariat of the All India Chess Federation is functioning*"

23. The Bombay High Court in light of the aforenoted Clause 21 declined to its jurisdiction under Article 226 of the Constitution of India claiming its jurisdiction had been ousted. The Supreme Court negativing this finding, in strong words, declared:

> "***25.*** *In the present case, the Bombay High Court has relied solely on Clause 21 of the Constitution and Bye Laws to hold that its own writ jurisdiction is ousted. The Bombay High Court has failed to examine the case holistically and make a considered determination as to whether or not it should, in its discretion, exercise its powers under Article 226. The scrutiny to be applied to every writ petition under Article 226 by the High Court is a crucial safeguard of the rule of law under the Constitution in the relevant territorial jurisdiction.* ***It is not open to a High Court to abdicate this responsibility merely due to the existence of a privately negotiated document ousting its jurisdiction.***"

[Emphasis supplied]

24. In the case of ***Shristi Udaipur Hotels v. Housing and Urban Development Corp.***[15] a Co-Ordinate Bench of this Court has also dealt with the question of whether the cause of action arises within the jurisdiction of the Court when the registered office of the respondent is situated in Delhi. The Court noted that the most vital or significant part of the cause of action arises outside the territorial jurisdiction of this Court and thus, mere presence of the registered office in Delhi will have no implication to determine the pertinent question of jurisdiction of the Court. The relevant part of the said decision is reproduced herein for reference:

> *"30. In the present case, the mere location of the registered office of the*

[15] 2014 SCC OnLine Del 2892.

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respondent/Corporation in Delhi, cannot be a ground to canvass that the cause of action has arisen within the territorial jurisdiction of this Court, unless and until the petitioner has been able to point out that some material decision had been taken at the office of the respondent that would have a bearing on the present petition. A bald submission made to the effect that ordinarily a decision to recall a loan from a client is taken at the head office of the respondent/Corporation would not be of much assistance to the petitioner. As would be apparent from a bare perusal of the writ petition, the petitioner's grievance is directed against the act of the regional office of the respondent/Corporation in issuing the impugned loan recall notice dated 20.01.2014 and admittedly, the said regional office is not located within the territorial jurisdiction of this Court, but is based at Jaipur. Similarly, the Sub-Lease Deed dated 11.1.2008 in respect of the project land was executed by the petitioner with"

25. The Court in the case of ***Bharat Nidhi Ltd. v. Securities and Exchange Board of India***[16] has considered the application of the doctrine of *forum conveniens* and has held as under:

"91. On the above conspectus, it is clearly seen that the question whether cause of action has arisen within the territorial jurisdiction of a court, has to be answered based on the facts and circumstances of the case. The cause of action, thus, does not comprise of all the pleaded facts; rather it has to be determined on the basis of the integral, essential and material facts which have a nexus with the lis.

92. It is also a settled proposition of the law that the location where the tribunal/appellate authority/revisional authority is situated would not be the sole consideration to determine the situs of the accrual of cause of action, ignoring the concept of forum conveniens in toto. Hence, even if a small part of the cause of action is established, and the same is found to be non integral or non-material to the lis, the court may invoke the doctrine of forum non-conveniens and decline to exercise its writ jurisdiction, if an alternative, more efficacious forum for the same exists.

93. A perusal of paragraph no. 10 of the decision in the case of State of Goa (supra), would signify that one of the prayers related to a challenge against the notification issued by the State of Sikkim. Also, in the said case, the petitioner company's office was also located in the State of Sikkim. However, the Hon'ble Supreme Court while considering that a slender part of the action has arisen, held that the High Court of Sikkim was not clothed

[16] 2023:DHC:9101.

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with the requisite jurisdiction to entertain the petition as the major part of the cause of action has arisen in another High Court. It can be safely concluded that neither the notification issued by the concerned government, nor the location of the office were considered to be the material facts to determine the cause of action.

***

113. Merely because some of the writ petitions were entertained by this court relating to certain violations of norms and regulations of respondent-SEBI by the respondent companies therein and issues arising out of consequential settlement application, that in itself would not determine the integral, essential and material part of the cause of action as the pendency of the writ petition before this court has no relation with the impugned revocation order which has taken place subsequent to the said writ petition. The law relating to the doctrine of forum conveniens, as discussed above, already makes it explicitly clear that the jurisdiction has to be determined on the facts and circumstances of each case.

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114. With respect to the averment that this court is the most convenient forum for the petitioners, it would be inappropriate and myopic to assume that while determining the jurisdiction, only the convenience of the aggrieved party approaching the court has to be looked into. In fact, with the advent of technology in contemporary times, the courts have transcended the geographical barriers and are now accessible from remote corners of the country. Therefore, the convenience of the parties cannot be the sole criterion for the determination of jurisdiction considering the broader perspective of dynamism of technology and increased access to justice. The determination of cause of action and territorial jurisdiction has to be in line with the constitutional scheme envisaged under Article 226 of the Constitution of India."

26. It is to be noted that the decision rendered by this Court in the case of ***Bharat Nidhi*** (supra) was carried in appeal, and the Division Bench of this Court in its final decision reported in ***Ashoka Marketing Ltd. and Anr. v. Securities and Exchange Board of India & Ors.***,[17] affirmed the view taken in ***Bharat Nidhi*** and held as under:

"*21. The High Court while exercising its jurisdiction under Article 226 of the Constitution of India to entertain a writ petition, in addition to examining its territorial jurisdiction also examines if the said Court is the*

[17] 2024:DHC:426-DB.

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forum conveniens to the parties. The issue of forum conveniens is seen not only from the perspective of the writ petitioner but it is to be seen from the convenience of all the parties before the Court. In the facts of this case, as is evident from the record that the forum conveniens for the both the parties is Mumbai. The Appellants since the year 2020 have been appearing in Mumbai before SEBI in the SCN proceedings. In W.P.(C) 15556/2023 (as well as the other writs) the writ petitioner has sought a direction for summoning the records of SEBI for examining the legality and validity of the Impugned Revocation Order. In these facts, therefore, the objection of SEBI that Mumbai is the forum conveniens for the parties has merit. The obligation of the Court to examine the convenience of all the parties has been expressly noted by the Full Bench of this Court in Sterling Agro Industries Ltd. (supra)…"

27. Furthermore, in ***Riddhima Singh v. Central Board of Secondary Education***[18] a Division Bench of this Court reiterated the settled proposition of law that where only a small part of the cause of action arises in the territorial jurisdiction of a Court, the Court is obligated to follow the doctrine of *forum conveniens*. Importantly, relying on the Division Bench decision in ***Udaipur Hotels v. Housing and Urbam Development Corp.***,[19] the Court declared that where the "*most vital parts of the cause of action*" have arisen elsewhere, the mere presence of the registered office of the Respondent in Delhi would be irrelevant in determining territorial jurisdiction as it amounts to a miniscule part of the cause of action. The material portions of the judgement read as under:

"*9. It is a settled position of law that where only a small part of the cause of action arises in the territorial jurisdiction of a Court, the same cannot automatically clothe the Court with jurisdiction under Article 226 of the Constitution of India. In such cases, the Court is obligated to follow the doctrine of forum conveniens. The doctrine of forum conveniens was elucidated by a full bench of this Court in Sterling Agro (supra) where it was held as follows:*

"*31. The concept of forum conveniens fundamentally means that it is*

[18] 2023 SCC OnLine Del 7168.
[19] 2014 SCC OnLine Del 2892.

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obligatory on the part of the court to see the convenience of all the parties before it. The convenience in its ambit and sweep would include the existence of more appropriate forum, expenses involved, the law relating to the lis, verification of certain facts which are necessitous for just adjudication of the controversy and such other ancillary aspects. The balance of convenience is also to be taken note of. Be it noted, the Apex Court has clearly stated in the cases of Kusum Ingots (supra), Mosaraf Hossain Khan (supra) and Ambica Industries (supra) about the applicability of the doctrine of forum conveniens while opining that arising of a part of cause of action would entitle the High Court to entertain the writ petition as maintainable.

32. The principle of forum conveniens in its ambit and sweep encapsulates the concept that a cause of action arising within the jurisdiction of the Court would not itself constitute to be the determining factor compelling the Court to entertain the matter. While exercising jurisdiction under Articles 226 and 227 of the Constitution of India, the Court cannot be totally oblivious of the concept of forum conveniens…"

…

11. More significantly, a Division Bench of this Court in Shristi Udaipur Hotels v. Housing and Urban Development Corp 3 dealt with a similar issue and observed that where the most vital parts of the cause of action have arisen elsewhere, the mere presence of the registered office of the Respondent in Delhi would be irrelevant in determining territorial jurisdiction as it amounts to a miniscule part of the cause of action. …"

28. Reference can be made to the decision of this Court in the case of ***H.S. Rai v. UoI & Anr.***,[20] wherein, the issue of territorial jurisdiction was raised. In the said case, the petitioner therein belonged to the State of Jharkhand and assailed the order of the PDIL, Noida. This Court in the said decision as well while applying the doctrine of *forum conveniens* has held that since the material, essential and integral part of cause of action did not arise within the territorial jurisdiction of this Court, the petition was not maintainable. The relevant paragraphs of the said decision read as under:

"27. Under Article 226 of the Constitution of India, the power to issue writ is with respect to any person, authority or any Government which falls within the territory of a High Court. The jurisdiction of the High Court also

[20] W.P. (C) 700/2005, decision dated 30.08.2022.

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extends to matters where the cause of action arises, whether wholly or in part. Hence, it is clear that the power to exercise writ jurisdiction has its own limitations. These limitations would also apply to the case at hand as it would to any other matter before this Court under Article 226.

28. The first situation under which this Court can exercise its jurisdiction is when the person or authority to which the writ is to be issued, is falling within the territory of this Court. The petitioner herein is seeking issuance of writ against an authority, that is, the PDIL, which does not have any office, much less its registered office, in Delhi. The order of penalty which has been assailed before this Court was passed in Jharkhand after enquiry proceedings and the report thereto was made in Sindri, Jharkhand. Hence, the respondent no. 2 and 3, as representatives of the PDIL, are not amenable to the jurisdiction of this Court. Therefore, the instant matter does not satisfy the condition under Article 226 (1) of the Constitution of India.

29. The second condition under Article 226 (2) of the Constitution extends the writ jurisdiction of this Court to matters where cause of action has arisen within the territory of this Court. The petitioner was posted at Sindri, Jharkhand at the relevant time which the charges leveled against the petitioner pertain to. The enquiry proceedings against the petitioner were initiated at Jharkhand, the entire enquiry was conducted at Jharkhand and even the report made and the punishment imposed upon the petitioner was also at Jharkhand. All of the necessary cause of action arose within the territory of Jharkhand and not Delhi. The second alternative condition for exercise of writ jurisdiction under Article 226 also does not arise in favour of the petitioner and with this Court.

30. Therefore, the case of the petitioner does not lie in either requirement of writ jurisdiction under Article 226 of the Constitution of India. The petitioner does not have any locus to approach this Court invoking its writ jurisdiction when neither the respondent is amenable to its jurisdiction nor has any cause of action arisen within its territory."

29. Pertaining to the same issue, a Co-Ordinate bench of this Court in ***Michael Builders and Developers Pvt. Ltd. v. National Medical Commission and Ors.***[21] while relying on a pronouncement of the Division Bench in ***Vemparala Srikant v. General Secretary, India Bulls Centrum***

[21] 2024:DHC:7146.

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Flat Owners Welfare Co-Operative Society, Hyderabad[22] held as under:

> *"15. In case of Vemparala Srikant v. General Secretary, India Bulls Centrum Flat Owners Welfare Co-Operative Society, Hyderabad, LPA No. 744/2024, the Division Bench of this Court while deciding the question as to whether an order passed by the National Consumer Disputes Redressal Commission against an order passed by the State Consumer Disputes Redressal Commission can be challenged before this High Court or has to be challenged before the respective jurisdictional High Courts, the Division Bench of this Court held that when the foundational facts giving rise to the cause of action to the appellant to approach the Consumer Fora arose within the State of Telangana, it would be absurd to allow the petitions against orders of NCDRC to be filed only in High Court of Delhi, which would mean that a consumer who is agitating for his rights in far of places like Assam, Manipur or any other distant part of the country would have to necessarily travel to Delhi for such redressal, which cannot be allowed in view of the doctrine of "forum conveniens".*
> *16. A Coordinate Bench of this Court in the case of Chinteshwar Steel Pvt. Ltd. v. Union of India 2012 SCC OnLine Del 5264, has held that in case of pan India Tribunals, or Tribunals/statutory authorities having jurisdiction over several States, the situs of the Tribunal would not necessarily be the marker for identifying the jurisdictional High Court."*

30. In ***Smt. Manjira Devi Ayurveda Medical College and Hospital v. Uttarakhand University of Ayurveda and Ors.***,[23] the Division Bench of this Court, declared that the mere presence of the office of a respondent being within the jurisdiction of this Court would not cloth the Court with the jurisdiction to entertain the *lis*. The material portion of the judgement reads as under:

> *"12. It is not disputed that the appellant is located in Uttarakhand. It is also not disputed that the respondent no.1/University, to which the appellant is affiliated, is also located in Uttarakhand. Undeniably, the representations by the appellant have been submitted not only to the Registrar of the Uttarakhand Ayurveda University at Dehradun but also to the Secretary, Ayush and Ayush Education, Uttarakhand Secretariat which itself is located in Dehradun in the State of Uttarakhand. Admittedly, no representation at*

[22] L.P.A. No. 744/2024.
[23] 2024:DHC:6903-DB

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all on the issue raised in the underlying writ petition has ever been submitted to any of the respondent nos. 2 to 4 who are located in Delhi. It is not the case of the appellant that any such representation was indeed made over to respondent nos. 2 to 4 or that the same were either rejected or not responded to. The mere presence by virtue of the location of their offices at Delhi would not, ipso facto, confer exclusive jurisdiction upon this Court to exercise its jurisdiction under Article 226 of the Constitution of India. It is apparent that no cause of action at all has arisen within the local limits of the territorial jurisdiction of this Court."

31. Relying upon the observations in ***Smt. Majira Devi Ayurveda Medical College*** (supra), the Co-Ordinate bench in ***Michael Builders and Developers Pvt. Ltd.*** (supra), importantly, declared as under:

"13. It was argued primarily on behalf of the petitioner that since the National Medical Commission has its head office in Delhi, this Court should exercise jurisdiction. However, the mere situation of the head office of National Medical Commission or Indian Nursing Council in Delhi does not automatically confer jurisdiction upon this Court. These bodies have offices, and their legal teams, which function in every State across the country, including Tamil Nadu. Thus, the argument that National Medical Commission or Indian Nursing Council is based in Delhi is insufficient to justify the filing of a writ petition before this Court, especially when the cause of action has arisen, and the parties involved herein are located, in Tamil Nadu and have already approached the Courts situated in the State of Tamil Nadu and have contested and obtained orders from the said Courts."

32. This Court in ***Shri Siddhi Vinayak Medical College and Hospital Sambhal UP v. Union of India & Anr.***,[24] while deciding upon the contention as to whether the dominus litis has an indefeasible right to approach the forum of his/her choice where jurisdiction is conferred upon more than one forum by virtue of cause of action arising at different places, has held that the said liberty granted to the dominus litis is circumscribed by the judicial oversight which has to be undertaken in each case. The relevant paragraph of the discussion on the concept of dominus litis is reproduced as

[24] 2024:DHC:7943.

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under:

> *"22. It is thus safely fleshed out from the aforesaid discussion that as per the aforesaid doctrine, the petitioner's role as dominus litis includes the right to initiate litigation in a forum of his choice if the cause of action arisen in more than one jurisdictions, provided that the chosen forum falls within the bounds of legally permissible jurisdictions. The choice made by the petitioner cannot be predicated on flimsy grounds, rather the same must adhere to the rules governing territorial jurisdiction and in event that the chosen forum does not satisfy the jurisdictional criteria, it can be challenged by the opposite party and accordingly, the Court is duly empowered to review the same. The underlying rationale behind the said rule of prudence is to eliminate any form of manipulation in choice of jurisdiction and to align the choice of the petitioner with the principles of justice, fairness and convenience.* ***Therefore, the petitioner's right to choose a forum is not etched in stone, rather the same is subject to legal impediments that serve the larger interest of justice.****"*

33. While surveying a catena of decisions passed by the Supreme Court and the High Courts, the Court delved into the analysis of settled jurisprudence on the doctrine of *forum conveniens* to reach the following conclusions in ***Shri Siddhi Vinayak Medical College*** (supra):

> *"****Driving home the contours of forum conveniens***
> *68. The salient aspects which emerge from the line of precedents discussed above can be delineated as under:-*
>
> *a. The litigant initiating a legal proceeding in the capacity of dominus litis is entitled to approach the jurisdiction of his choice if the cause of action arises in two different jurisdictions, however, the same shall remain subject to judicial scrutiny by the Court. The Court shall find out in each case whether the jurisdiction of the Court is rightly attracted by the alleged cause of action.*
>
> *b. While determining jurisdiction to hear a writ petition under Article 226 of the Constitution of India, the Court must consider two key factors i.e., whether any part of the cause of action falls within its territorial jurisdiction and whether the Court serves as a suitable forum, ensuring convenience and fairness for all the parties involved in the case.*
>
> *c.* ***The mere situs of any authority, original or appellate, would not be a sole determinative factor in conferring jurisdiction upon a High Court.***
>
> *d. The Court has to adjudicate the objection raised on the territorial*

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jurisdiction bearing in mind the overarching principle of comparative conveniens i.e., the Court must not only be satisfied that it is a non-convenient forum, rather it must also be reckoned that the other forum is more convenient.

e. ***The doctrine of forum conveniens is applied to identify the most suitable forum for resolving a dispute, taking into account not only the convenience of the parties but also ensuring that the interests of justice are served. The question as to which would be the determinative or non-determinative factors to be considered in arriving at a conclusion about the forum conveniens or non-conveniens, will depend upon the facts of each case. However, a standalone factor would not weigh in determining the same, rather a cumulative result of the bundle of facts having nexus to the lis deserve to be appreciated. The following illustrative aspects, though not exhaustive, may be borne in mind while determining the applicability of the principle of forum conveniens or non-conveniens:-***

i. The location of the parties;
ii. The convenience of the parties;
iii. The interest of other relevant stakeholders;
iv. The place of the decision as well as the situs of the effect felt thereto;
v. The decision making authority has a pan-India jurisdiction or otherwise;

[Emphasis Supplied]

34. In the case of ***Pune Buildtech (P) Ltd. v. Bank of India***,[25] it was contended that since the loan agreement was signed in Delhi, the respondent bank has its head office in Delhi, therefore, this Court can exercise the territorial jurisdiction. This Court, while applying the doctrine of *forum conveniens* took a view that the substance of a matter is significant in determining the material, essential or integral part of the cause of action and the Constitutional Courts are saddled with a duty to prevent the abuse of jurisdiction by the parties. In the said case, the petitioners therein had approached the Court primarily on the ground that certain agreements with respect to the loan transaction in question were allegedly executed in Delhi. It was, however, observed that the essential, material and integral facts i.e.,

[25] 2023:DHC:9156.

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place of declaration of fraud, initiation of complaint, registered offices of the parties etc. were all present outside the territorial jurisdiction of this Court. The relevant paragraphs of the said decision read as under:

> "*56. Considering the discussion hereinabove, it is crystallised that in order to confer jurisdiction to the constitutional courts under Article 226 of the Constitution, a material, essential or integral part of the cause of action must arise within their jurisdiction. To determine a material, essential or integral part of the cause of action, it is the substance of the matter that becomes relevant. Also, the objection to the jurisdiction of this court can be raised at any stage of proceedings, as has been held by the Hon'ble Supreme Court in the case of Jagmittar Sain Bhagat v. Health Services, Haryana.*
> *57. It is to be noted that the germane issue in both the petitions is the decision of the petitioners' accounts being declared as "fraud". It is seen that the impugned action is taken from the respondent-BOI's Mumbai branch. Also, the communication of the said decision to the RBI regional office in Bengaluru also occurred outside the jurisdiction of this court. Furthermore, all the consequent actions under the provisions of the SARFAESI Act were also taken from the Mumbai branch of the respondent-BOI.*
>
> ***
>
> *62. It is pertinent to mention that as per the legislative intent and constitutional scheme enshrined under the provisions of Article 226 of the Constitution of India, it is crystallised that the cardinal duty imposed on the constitutional courts is to prevent the abuse of their jurisdiction by the parties and relegate back the parties to the forum where a material, essential or integral part of cause of action has arisen.*"

35. From the conspectus of authorities detailed above, and the discussion of law contained therein, it can unequivocally be concluded that the writ remedy, which is, at its core, an extra-ordinary discretionary remedy exercisable by Constitutional courts, cannot be left to the mercy of the litigants' subjective will. The Court must, while adjudicating upon a writ petition, consider and account for the aspect of *forum conveniens*. This includes, not merely the conventional considerations of where the evidence, parties or their head offices are located; but also includes concerns pertaining to the *conveniens* of the Court, the administration of law and,

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most importantly, the dispensation of justice.

36. A petitioner who approaches this Court to assail a decision of an authority situated in Delhi, when the underlying cause for the said decision lies elsewhere, effectively attempts to make this High Court a mini-pan-India Superior Court exercising jurisdiction over all events which take place throughout this Country. There is no gainsaying with the proposition that every High Court is competent to adjudicate upon a *lis* which arises from events or actions taking place within its territory. Merely because the ultimate order, which is based on events taking place outside Delhi and takes cognizance of actions outside of Delhi, is passed within the jurisdiction of this Court, a writ petition ought not be entertained by this Court.

37. Naturally, being the capital of the Country, various authorities and bodies having pan-India jurisdiction would be located within the jurisdiction of this Court. Merely because the decision making authority happens to be in Delhi, ought not to be the sole reason to entertain a *lis* in this Court. The decision, no doubt, may be passed in the national capital, but it is usually against persons situated outside Delhi; and even more importantly, for actions which took place beyond the borders of this Court. The act of giving a hearing in Delhi, or the passing of an order in Delhi, is merely a result of a body/authority being situated in the national capital, it has nothing to do with the *lis*, the offending action, the legal injury or the foundational facts on the basis of which action is being taken.

38. The case-law cited above, makes repeated reference to "*dominant facts*", and facts which are "*material, essential and integral*" to the *lis* in

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question. In most cases, the fact that the order is passed, or the head office is located, or that opportunity of hearing was afforded, within the jurisdiction of this Court is completely immaterial, non-essential, and non-integral to the dispute in question. Any of the aforenoted three aspects could very well have taken place in another part of the Country, it is for the sole reason that Delhi is the national capital, that, in most cases these factors get connected to the jurisdiction of this Court. From another lens, it may be seen that regardless of what the underlying facts or legal injury/infringement may be, the order impugned would, in an overwhelming number of cases be passed from Delhi. If this be the case, can this constant factum, which shall remain present in each case, be considered a "*dominant fact*" or a "*material, essential and integral*" fact? The answer must be in the negative.

39. The scheme of the Constitution empowers every High Court to pass directions against any authority situated throughout the territory of India, if the cause of action wholly or in part arises within its territorial jurisdiction. If this Court were to routinely exercise jurisdiction solely on the ground that the order or notification being assailed has been passed in Delhi, or that the opportunity of hearing was given at the national capital, then the extra-ordinary power conferred upon different High Courts would be rendered nugatory and otiose. The purpose of conferring the aforenoted power on each and every High Court would stand defeated.

40. Another facet of this issue pertains to predictability and the rule of law. A citizen must know where to agitate his grievance. It cannot be a situation of *laissez-faire,* where for a given grievance which affects a number of individuals/corporations, part of them approach this Court on

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grounds that the order assailed has been passed within the jurisdiction of this Court, while the others knock the doors of the High Court where the underlying facts, whose cognizance was taken by the authority in Delhi, had arisen. Arguably, in these cases, judicial deference and discipline, may well demand that the Court already seized of the matter may be allowed to proceed with the same. In such cases, merely because an individual/corporation approaches a given High Court first, another party, which had justifiably moved the Court most proximately and dominantly connected with the facts, would be forced to pursue its remedies before another Court. In these circumstances, no party would know with certainty, which Court to approach; where would its *lis* actually be entertained; and to which Court would all other High Courts, assuming a recalcitrant litigant files petitions there, relegate the parties to.

41. Conflict of decisions is also a serious possibility in cases where writs are preferred before different High Courts and are entertained *simplicitor* on grounds that purported cause of action had partly accrued within the jurisdiction of a Court. The 5-Judge Bench of the Supreme Court in ***SG Jaisinghani v. Union of India and Ors.***,[26] while discussing the rule of law and predictability in the actions of the executive noted the following:

> "*14. In this context it is important to emphasize that the absence of arbitrary power is the first essential of the rule of law upon which our whole constitutional system is based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. The rule of law from this point of view means that decisions should be made by the application of known principles and rules and, in general, such decisions should be predictable and the citizen should know where he is. If a decision is taken without any principle or*

[26] (1967) 65 ITR 34.

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> *without any rule it is unpredictable and such a decision is the antithesis of a decision taken in accordance with the Rule of law. (See Dicey —* Law of the Constitution *— 10th Edn., Introduction ex). "Law has reached its finest moments," stated Douglas, J. in* United States v. Wunderlich*, "when it has freed man from the unlimited discretion of some ruler…. Where discretion is absolute, man has always suffered". It is in this sense that the rule of law may be said to be the sworn enemy of caprice. Discretion, as Lord Mansfield stated it in classic terms in the case of* John Wilkes*, "means sound discretion guided by law. It must be governed by Rule, not by humour: it must not be arbitrary, vague, and fanciful".*"

Predictability and certainty are, also, to be expected out of the Courts and not merely the executive. The extra-ordinary high prerogative writs must not become, at the end of the day, a race to the Registry of a given High Court.

42. It is the substance of the matter which the Court must consider in determining the connection with Delhi. An order being passed by an authority in Delhi is an unchanging constant. This static/uniform facet, which is unmoved by the nature of the *lis*, ought not to determine where territorial jurisdiction would lie.

43. The petitioner, in the instant case, may be correct in its contention that a part of cause of action has arisen within the territorial jurisdiction of this Court. However, the same would not be a determinative factor compelling this Court to entertain the petition.

44. In the instant case, the entire dispute was decided by the MSEFC at Agra, a Section 34 application is pending at Agra, purported execution steps have been taken at Agra and the recovery certificate has also been issued from Agra.

45. Under these circumstances, the material, essential and integral part of the cause of action has arisen outside the jurisdiction of this Court.

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Therefore, the petitioner will have to pursue appropriate remedies before the Court of competent jurisdiction.

46. Learned counsel appearing on behalf of the petitioner submits that the Court has granted a stay *vide* order dated 01.08.2025. Keeping in mind the aforesaid order, the stay order shall remain in force for a period of 45 days from today.

47. With the aforesaid observations, the instant petition stands disposed of along with the pending application.

48. All rights and contentions of the parties are left open.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 11, 2026
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