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

+ LPA 25/2016

E PREM KUMAR

..... Appellant

Through: Mr.Prashant Bhushan with Ms.Neha
Rathi, Advs.

Versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr.Vivek Goyal, CGSC for
R-1/UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

21.01.2016

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1. This appeal is preferred against the order of the learned Single Judge dated 18.12.2015 in W.P.(C) No.11782/2015. The unsuccessful petitioner is the appellant before us.
2. The said writ petition was filed with a prayer to direct the Union of India to direct an investigation by the Serious Frauds Investigation Office (SFIO) into the affairs of respondent No.2 (and its sub-units) and for the alleged multiple violations of law by the respondent No.2 (and its sub-units) as has been consistently recommended by the Registrar of Companies (ROC) and also by the Regional Director (Ministry of Corporate Affairs).
3. The learned Single Judge declined to entertain the petition observing:
“5. A five Judges Bench of this Court in ***Sterling Agro Industries Ltd. vs. Union of India*** 181 (2011) DLT 658 had held that even if a writ Court has territorial jurisdiction, it can refuse to exercise writ jurisdiction if finds another High Court to be a more appropriate Court and/or a *forum*

conveniens for dealing with the *lis*. In the present case, since not only is the respondent No.2 beyond the territorial jurisdiction of this Court but the *lis* also has a local flavour, it is deemed best that the writ petition, if at all entertainable, be entertained by the High Court within whose jurisdiction the respondent No.2 is situated and/or within whose jurisdiction the affairs of the respondent No.2 complained of are being conducted. The fact that the seat of the Ministry of Corporate Affairs is at New Delhi would not make any difference. The counsel for the petitioner does not controvert that the Ministry of Corporate Affairs, Govt. of India can be sued in any of Southern High Courts as well.”

4. Though it is strenuously contended by Sh.Prashant Bhushan, the learned counsel appearing for the appellant that having regard to the fact that the reliefs sought in the petition is against the respondent No.1, the learned Single Judge is not justified in declining to entertain the writ petition on the issue of territorial jurisdiction, we are unable to agree.
5. Though the direction is sought against the respondent No.1, the allegations are against the respondent No.2, which is situated beyond the territorial jurisdiction of this Court. Therefore, the learned Single Judge cannot be held to have committed any error in refusing to exercise the writ jurisdiction invoking the doctrine of *forum conveniens*.
6. Therefore, the order under appeal does not warrant any interference. Appeal is accordingly dismissed.

CHIEF JUSTICE

JAYANT NATH, J

JANUARY 21, 2016/pmc