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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1382/2016 & CM Nos.6034/2016, 6376/2017, 7779/2017 &
13456/2017

RUCHIKA SINGH CHHABRA Petitioner
Through: Ms Nandita Rao, Advocate.

Versus

M/S AIR FRANCE INDIA & ANR Respondents
Through: Mr Biji Anil, Advocate for R-2.
Mr Manish Dembla, Mr Krishna
Vijay Singh and Mr Pradyuman
Singh, Advocates for respondent.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **30.01.2018**

1. The petitioner who was employed with respondent no. 1 - M/s Air France India (Air France) - has filed the present petition, *inter alia*, praying as under:-

“i.Issue a writ of mandamus or any other appropriate order or direction, directing the Respondents to ensure that the internal complaints committee of the Respondent No.1 is formed in accordance with the Sexual Harassment of Women at the Workplace (Prevention, Protection and Redressal) Act, 2013 and further that the Internal Complaints Committee conducts the inquiry in accordance with the law.

ii. Direct an enquiry or investigation into the illegal, wrongful and malafide conduct of the officials of the

Respondents and to ascertain and fix responsibility and liability and punish the wrong doers found guilty;

iii. Award costs to the Petitioner.”

2. The petitioner had joined Air France as a Commercial Assistant in the year 2000. She alleges that she has been a victim of sexual harassment by certain employees of the Air France including, in particular, a French national who had joined Air France’s office in Gurgaon as a Marketing Agent (Cargo) in the year 2013.

3. The petitioner alleges that in order to victimise her for complaining against incidents of Sexual Harassment, she was compelled to submit her resignation on 23.09.2017. She claims that this was on the threat of immediate termination. In the present petition, the petitioner has narrated several incidents of sexual harassment. She has also filed an FIR with the police station at Gurgaon (FIR No. 550/2015 u/s 354 IPC).

4. The petitioner states that her complaint was also referred - although belatedly - to the Internal Complaints Committee (ICC) constituted by Air France in terms of Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereafter ‘the Act’). However, she claims that the constitution of the said Committee is contrary to the provisions of the said Act. She also contends that the procedure followed by the ICC is not in accordance with law.

5. The petitioner has also made a complaint to respondent no.2 (Delhi Commission for Women).

6. Air France has raised a preliminary objection as to the jurisdiction of

this Court to entertain the present petition. In the counter affidavit filed on behalf of the Air France, it is asserted that no cause of action has arisen within the National Capital Territory of Delhi and, therefore, this Court would not have the jurisdiction to entertain the present petition.

7. Concededly, the petitioner was employed at the office of Air France in Gurgaon. It is also seen that none of the alleged incidents of sexual harassment had taken place in Delhi. It is also stated that all the meetings of the ICC took place in Gurgaon; initially the said meetings took place in the office of Air France and subsequently the said meetings were held at Clarens Hotel and Bristol Hotel located in Gurgaon. It is seen that the petitioner has also filed the FIR at Police Station DLF, Phase-II, Gurgaon.

8. Notwithstanding the above, Ms Nandita Rao, the learned counsel appearing for the petitioner earnestly contended that this Court would have the jurisdiction to entertain the present petition as the registered office of Air France was located in Delhi. She also drew the attention of this Court to a notice issued by Air France indicating the constitution of the ICC for its various offices. She pointed out that a common ICC had been constituted for the offices of Air France at Gurgaon and Delhi. She submitted that since one of the principal issues raised in this petition was regarding constitution of the ICC, this Court would have the jurisdiction to examine the matter. She also stated that the petitioner had filed a complaint with respondent no.2 and no objection with regard to jurisdiction of respondent no.2 (which was located in Delhi) had been raised by Air France.

9. I have heard learned counsel for the parties.

10. This Court is not persuaded to accept that any part of the cause of action has arisen within the National Capital Territory of Delhi. As noticed above, the petitioner was employed at Air France's office in Gurgaon and none of the incidents of sexual harassment complained by her are stated to have occurred within the jurisdiction of this Court.

11. Although, the petitioner has stated that the registered office of Air France is in Delhi, it is difficult to accept the same for several reasons. First of all, it does not appear that Air France is an entity incorporated in India as claimed by Ms Rao. The name of Air France also indicates that it is not incorporated under the Companies Act, 1956 (or the 2013 Act) as its name is not suffixed by the words 'Private Limited' or 'Limited'. Secondly, it has been affirmed in the affidavit filed on behalf of Air France that "*though respondent no.1 has a branch office in Delhi, it is only a communication address with an office boy posted at the said office*". And lastly, the petitioner has also annexed several letters issued by Air France and the letterheads also indicate that Air France's office at Delhi is only a branch office and not its principal office.

12. In view of the above, the petitioner's contention that the registered office of Air France is in Delhi must be rejected.

13. Ms Rao had also sought to advance arguments on merits of the controversy and had referred to the decision of a Coordinate Bench of this Court in ***U.S. Verma, Principal, DPS and Another v. National Commission for Women & Ors : 163 (2009) DLT 557*** and in ***Jindal Steel and Power Ltd. & Anr. v. Union of India & Anr.: W.P. (C) 8531/2008, decided on***

19.12.2011 in support of her contentions. However, since this Court is not convinced as to the maintainability of the present petition, it is not considered apposite to enter into the merits of the controversy.

14. In view of the above, the present petition is dismissed. All the pending applications are disposed of. Needless to mention that the petitioner is not precluded from approaching the appropriate Court/Forum for agitating her grievances.

VIBHU BAKHRU, J

JANUARY 30, 2018/pkv