

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

LEAVE PETITION NO. 5 OF 2024

Arcelor Mittal Nippon Steel India Ltd.

...Petitioner

V/s.

Neelina Chatterjee & Ors.

...Respondents

Mr. Rohan Kadam, through VC with Mr. Rishabh Gupta, Ms. Aakansha Luhach, Mr. Suyash Gadre and Ms. Srija Singh i/b Alatheia Law LLP for Petitioner.

CORAM : ABHAY AHUJA, J.
DATE : 9th MAY, 2024

PC. :

1. This Petition has been filed under Clause XII of the Letters Patent Act, 1866 seeking leave to institute suit *inter alia* for declaration, injunction and damages in respect of the purported frauds committed by the Respondents.

2. Mr. Kadam, learned Counsel appears for the Petitioner and submits that the Petitioner's corporate office is situated in Mumbai from where the Petitioner conducts its business, overseas and nationwide operations. It is submitted that the Respondents, who are located outside the jurisdiction of this Court, in Kolkata and Canada, are by their actions seeking to reverse the successful C.I.R.P. following which the Petitioner has been revived and which interferes with the day to

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2024.05.09
21:24:12
+0530

day functioning of the Petitioner and is causing damage, effect of which is felt by the Petitioner in Mumbai and therefore, the resulting damage constitutes material part of cause of action. That the Respondents have by use of unlawful means conspired with each other and initiated several vexatious proceedings against the Petitioner, thereby causing grave harm and injury to the Petitioner, the effects whereof are being suffered by the Petitioner in Mumbai within the jurisdiction of this Court.

3. Mr. Kadam would submit that therefore, the material part of cause of action has arisen in Mumbai, within the territorial jurisdiction of this Court.

4. Mr. Kadam, learned Counsel submits that, therefore, with leave under Clause XII of the Letters Patent Act, 1866 granted by this Court, this Court would have jurisdiction to entertain and try the suit.

5. Mr. Kadam, has relied upon the decision of the Division Bench of this Court in the case of *Damomal Kauromal Raisingani Vs. Union of India*¹ in support of his submissions, where this Court has observed that

¹ 1965 SCC Online Bom 129

the place where the effect or the consequences are felt would be a place where at least the cause of action in part would arise.

6. I have heard the learned Counsel and also perused the Petition and the relevant clauses of the plaint in the proposed suit as well as the decision of this Court in the case of *Damomal Kauromal Raisingani Vs. Union of India (supra)* and for the reasons stated in the Petition as well as based on the submissions, I am of the view that leave under Clause XII of the Letters Patent Act be granted. The Petition is allowed in terms of the prayer Clause (a), which reads thus:-

“(a) grant leave under Clause XII of the Letters Patent Act, 1866 to institute the Suit against all the arrayed Respondents before this Hon’ble Court.”

7. The Petition accordingly stands allowed as above and disposed.

(ABHAY AHUJA, J.)