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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10578/2023 and CM APPL. 41123/2023, CM APPL. 32852/2024, CM APPL. 33152/2024**

MANSAROVAR AYURVEDIC MEDICAL COLLEGE, HOSPITAL
AND RESEARCH CENTERPetitioner

Through: Mr. Bhanu Gulati and Mr. Abhijit
Chakravarty, Advs.

Versus

NATIONAL COMMISSION FOR INDIAN SYSTEM OF
MEDICINE AND ANRRespondents

Through: Ms. Archana Pathak Dave, ASG with
Mr. Kumar Prashant, Mr. Pramod
Kumar Vishnoi, Mr. Avnish Dave and
Mr. Vaibhav Dwivedi, Advs. for R-1

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+ **W.P.(C) 10638/2023**
SRI SAI INSTITUTE OF AYURVEDIC RESEARCH AND
MEDICINEPetitioner

Through: Mr. Bhanu Gulati and Mr. Abhijit
Chakravarty, Advs.

Versus

NATIONAL COMMISSION FOR INDIAN SYSTEM OF
MEDICINE & ANR.Respondents

Through: Ms. Archana Pathak Dave, ASG with
Mr. Kumar Prashant, Mr. Pramod
Kumar Vishnoi, Mr. Avnish Dave and
Mr. Vaibhav Dwivedi, Advs. for R-1

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+ **W.P.(C) 4935/2024 and CM APPL. 20212/2024**
SHREE SATYA AYURVEDIC MEDICAL COLLEGE AND
HOSPITALPetitioner

Through: Mr. A. Mariarputham, Sr. Adv. with
Mr. Avneesh Arputham and Mr.
Ankit Sharma, Advs.



Versus
UNION OF INDIA AND OTHERSRespondents

Through: Mr. Akshay Amrit Anshu, Sr. Panel Counsel with Mr. Kshitij Mittal, G.P. with Ms. Swati Mishra, Ms. Drishti Saraf and Ms. Pragya Upadhyay, Advs. for R-1
Ms. Archana Pathak Dave, ASG with Mr. Kumar Prashant, Mr. Pramod Kumar Vishnoi, Mr. Avnish Dave and Mr. Vaibhav Dwivedi, Advs. for R-2
Mr. Sarvan Kumar and Ms. Priya Dwivedi, Advs. for R-4

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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04.11.2024

1. Various arguments have been made by learned counsel appearing on behalf of the petitioner.
2. Even learned Senior Counsel appearing on behalf of the petitioner in W.P.(C) 4935/2024 places reliance on the decisions of the Supreme Court in the case of *Kusum Ingots & Alloys Ltd. v. Union of India and Another*¹ and *Alchemist Ltd. and Another v. State Bank of Sikkim and Others*² and submits that if the decision passed by the Supreme Court was considered in right perspective, the same would indicate that it is the choice of the litigant to choose his forum and even a part of cause of action arising in the territory of this Court would be sufficient to invoke the jurisdiction of this Court.
3. Learned counsel appearing on behalf of the petitioner in W.P.(C) 10578/2023, while pointing out the interim order dated 10.08.2023, submits

¹ (2004) 6 SCC 254

² (2007) 11 SCC 335



that in terms of the said order, the petitioner has deposited the amount of penalty and once a writ petition has been entertained, the Court, at this stage, may not relegate the petitioners to other jurisdictional High Courts.

4. I have considered the aforesaid submissions and have also perused the record before this Court.

5. This Court has considered almost similar arguments in the following writ petitions:-

<u>Date of Order</u>	<u>Cause Title</u>	<u>Place where material Cause of Action arose</u>	<u>Respondent-Authority</u>
02.09.2024	W.P.(C) 12041/2024 <i>Smt. Manjira Devi Ayurveda Medical College And Hospital v. Uttrakhand University of Ayurveda & Ors.</i>	Uttrakhand	Uttrakhand University of Ayurveda
05.09.2024 Division Bench	LPA 894/2024 <i>Smt. Manjira Devi Ayurveda Medical College And Hospital v. Uttrakhand University of Ayurveda & Ors.</i>	Uttrakhand	Uttrakhand University of Ayurveda
18.09.2024	W.P.(C) 12049/2024 <i>Michael Builders and Developers Pvt. Ltd. v. National Medical Commission and Ors</i>	Tamil Nadu	The Indian Nursing Council
07.10.2024	W.P.(C) 14153/2024 <i>Aryans College of Education v. National Council For Teacher Education and Anr</i>	Punjab	National Council For Teacher Education
08.10.2024	W.P.(C) 14233/2024 <i>Shri Siddhi Vinayak Medical College and Hospital Sambhal, U.P. v. Union Of India and Anr</i>	Uttar Pradesh	National Medical Commission
14.10.2024	W.P.(C) 13570/2024 <i>Shinde Institute of Pharmacy and Research v. Pharmacy Council of India</i>	Maharashtra	Pharmacy council of India



14.10.2024	W.P.(C) 11627/2024 <i>Sun Private Iti v. Directorate General Of Training</i>	Madhya Pradesh	Directorate General Of Training
14.10.2024	W.P.(C) 12424/2024 <i>Sri Guru Nanak Dev Institute Of Pharmacy v. Pharmacy Council Of India</i>	Uttar Pradesh & Haryana	Pharmacy Council Of India
14.10.2024	W.P.(C) 13601/2024 <i>Dr. Yash Jain v. Union Of India & Ors</i>	Bihar	National Medical Commission
14.10.2024	W.P.(C) 13874/2024 <i>Laxmi Private Iti v. Directorate General Of Training</i>	Madhya Pradesh	Directorate General Of Training
15.10.2024	W.P.(C) 9525/2024 <i>St. John College Of Nursing And Paramedical V. Pharmacy Council Of India</i>	Uttar Pradesh	Pharmacy Council Of India
15.10.2024	W.P.(C) 13776/2024 <i>Pkg Medical College & Hospital v. Union Of India</i>	West Bengal	National Medical Commission
21.10.2024	W.P.(C) 9232/2024 <i>Aishwarya College Of It And Masnagement v. All India Council For Technical Education</i>	Rajasthan	All India Council for Technical Education
21.10.2024	W.P.(C) 12008/2024 <i>Smt. Gomti Smarak Vigyan Mahavidaylaya v. National Council For Teacher Education And Anr</i>	Uttar Pradesh	National Council for Teacher Education

6. Admittedly, the institutions in the instant writ petitions are situated outside the territorial jurisdiction of this Court. Penalty, if any, imposed by the respondent will have to be recovered from the concerned institution which is outside the territorial jurisdiction of this Court.

7. The facts of the present writ petitions attract the doctrine of *forum non conveniens* signifying that the Court has a discretionary power to decline to exercise its jurisdiction where another Court, is better suited to adjudicate the case.



8. Merely because the respondent's offices are situated in Delhi, the same cannot be the sole determinative factor to invoke the jurisdiction of this Court. The Court finds that the material, essential and integral cause of action has arisen outside the territorial jurisdiction of this Court.

9. In view of the aforesaid, the writ petitions stand dismissed along with the pending applications saving liberty to the petitioners to approach the jurisdictional High Court.

10. All rights and contentions are left open

11. The interim order passed by this Court shall remain in force for a period of four weeks from today.

PURUSHAINDRA KUMAR KAURAV, J.

NOVEMBER 4, 2024

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