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

Decided on: 09.09.2025

+ **W.P.(C) 1677/2024 & CM APPLs. 6957/2024, 4300/2025**

HARJEET SINGH PURI

.....Petitioner

Through: Mr. Tushar Ranjan Mohanty,
Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ripudaman Bhardwaj (CGSC)
with Mr. Kushagra Kumar, Mr.
Amit Kumar Rana & Mr. Abhishek
Ranjan Singh, Advocates for UOI.
Mr. Anupam S Sharma (SPP) with
Mr. Harpreet Kalsi, Mr. Vashisht
Rao, Mr. Anant Prakash Mishra,
Mr. Vishesh Jain & Ms. Riya
Sachdeva, Advocates for CBI.
Mr. Jayant K. Sud, Senior
Advocate with Mr. Lokesh Sinhal,
Mr. Aryan Mishra, Mr. Sahib
Kochhar & Mr. Sai Manik Sud,
Advocates for R-3 to 5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

1. The petitioner, a resident of Faridabad, has filed this writ petition challenging disciplinary proceedings instituted against him by his employer – National Hydroelectric Power Corporation Limited [“NHPCL”]. The specific challenges in the petition are to orders dated



05.01.2022 [appointment of the inquiring authority], chargesheet dated 13.12.2021, inquiry report dated 11.07.2022, penalty order dated 21.12.2022, appellate order dated 20.04.2023, and review order dated 26.07.2023.

2. NHPCL has filed CM APPL. 4300/2025, specifically challenging the territorial jurisdiction of this Court to entertain the present writ petition. It is contended that the entire cause of action has arisen outside the jurisdiction of this Court, as NHPCL's office is located in Faridabad, Haryana, and the chargesheet, inquiry report, disciplinary order, appellate order, and review order were all issued from its office in Faridabad. In fact, it is an admitted position that the petitioner was also employed at the corporate office of NHPCL in Faridabad.

3. In the writ petition, the only averments made to substantiate the jurisdiction of this Court are that respondent Nos. 2 and 7, namely the Central Vigilance Commission ["CVC"] and the Central Bureau of Investigation ["CBI"], are located in New Delhi, and that the inquiring authority, i.e. respondent No. 6, is resident in New Delhi. It is further stated that representations have been made to the Government of India and the CVC regarding the competence of respondent No. 6 to act as the inquiring authority.

4. The petitioner has also filed a reply to CM APPL. 4300/2025, in which territorial jurisdiction of this Court is sought to be invoked on the basis of the following averments:

"2. That the contents of Paragraph 2 of the Civil Miscellaneous Application of Respondents No. 3 to 5 are false and are denied. It is submitted several of the incidents took place in Delhi. Respondent No.6, who was Inquiring Authority in the Disciplinary Proceedings against the Petitioner, is a resident of R-520, New Rajinder Nagar,



New Delhi-110060. The said Respondent had issued all the Notices of Hearing in the Disciplinary Proceedings from his given address. The said Respondent had conducted several virtual hearings in the matter from his residence at Delhi. On those occasions, the Petitioner attended the hearing from the Office of his Defence Assistant located at Shashtri Bhawan, New Delhi. Further, Respondent No. 6 had initially asked the Petitioner to submit his Defence Brief by 02.07.2022 vide Daily Order Sheet dated 17.06.2022 [Annexure : P-28]. The Defence Assistant of the Petitioner, who was posted as Delhi, wrote to Respondent No. 6 from Delhi to Delhi requesting a few days more time, which was granted by Respondent No. 6. Further, Respondent No. 6 had send his Residential Location of Delhi to the Petitioner through WhatsApp at 18.55 hours on 09.07.2022. Thereafter, on the same evening of 09.07.2022, which was a Saturday, the Petitioner personally handed over his Defence Brief to Respondent No.6 at his residential address at Delhi. Finally, Respondent No. 6 prepared his Inquiry Report dated 11.07.2022 [Annexure : P-4] at his residence at Delhi on 10.07.2022 (Sunday) and submitted the same, the next day. Therefore, part of Cause of Action in relation to Respondent No. 6 has occurred at New Delhi, which falls under the Territorial Jurisdiction of this Hon'ble High Court.

3. That, further, the Respondents who are Applicants in the present CM, had sought advice of Respondent No. 2, the Central Vigilance Commission, against the Petitioner which was given vide OM No. 021/PWR/009/497904 dated 29.22.2021 from its Office is situated in New Delhi. A copy of the same is enclosed hereto as Annexure: P-118. Therefore, again part of the Cause of Action has arisen in Delhi which is very much within the Territorial Jurisdiction of this Hon'ble Court."

5. I have heard Mr. Tushar Ranjan Mohanty, learned counsel for the petitioner, and Mr. Jayant K. Sud, learned Senior Counsel for NHPCL.

6. The principles with regard to the exercise of writ jurisdiction by the High Court, arise from Article 226(2) of the Constitution, which provides as follows:-

"(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories."



7. It is Mr. Mohanty's contention, based on the aforesaid factual averments, that part of the cause of action arose within the jurisdiction of this Court, and therefore, the petitioner is entitled to approach this Court by way of the present writ petition.

8. The principles governing objections to territorial jurisdiction in light of Article 226(2) of the Constitution have been considered by the Supreme Court in *Kusum Ingots & Alloys Ltd. v. Union of India & Anr.* [(2004) 6 SCC 254], which held as follows:-

*"18. **The facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be granted.** Those facts which have nothing to do with the prayer made therein cannot be said to give rise to a cause of action which would confer jurisdiction on the Court.*

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*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], *Madanlal Jalan v. Madanlal* [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].]"*

[Emphasis supplied.]

9. These principles have been considered by a Five-Judge Bench of this Court in *Sterling Agro Industries Ltd. v. Union of India & Ors.* [2011 SCC OnLine Del 3162], wherein the Court has recorded the following conclusions:-

*"35. 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*, AIR 2010 Delhi 43; [2011] 166 C-C 87 (Delhi) and proceed to state our conclusions in seriatim as follows:*



(a) *The finding recorded by the Full Bench that the sole cause of action emerges at the place or location where the Tribunal/appellate authority/revisional authority is situate 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. v. State Bank of Sikkim** (2007) 136 C-C 665; (2007) 11 SCC 335.

(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 mala fide manner is too restricted/constricted as the exercise of the power under article 226 being discretionary cannot be limited or restricted to the ground of mala fide alone.*

(f) **While entertaining a writ petition, the doctrine of forum conveniens and the nature of cause of action are required to be scrutinised by the High Court depending upon the factual matrix of each case** in view of what has been stated in *Ambica Industries v. CCE* (2007) 213 ELT 323; [2009] 20 VST 1 (S.C.) and *Union of India v. Adani Exports Ltd.* (2002) 1 SCC 567.

(g) *The conclusion of the earlier decision of the Full Bench in New India Assurance Company Limited, AIR 2010 Delhi 43; (2011) 166 C-C 87 (Delhi) (page 115): "...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."*

[Emphasis supplied.]

10. Applying the aforesaid principles to the facts of the present case, I



am of the view that the petitioner has failed to make out a case for entertaining the present writ petition before this Court. The petitioner is a resident of Faridabad and was employed at NHPCL's office in Faridabad. All the impugned orders have been issued in Faridabad and served upon him from NHPCL's office in Faridabad at his residence in Faridabad. Even taking the petitioner's case at its highest, the mere fact that the Union of India, the CBI, and the CVC are located in Delhi does not, in my view, form a part of the cause of action, so as to characterise this Court as *forum conveniens*. The prayers in the writ petition are not directly targeted at the advice tendered by the CVC to NHPCL, but rather at the consequential actions taken by NHPCL in instituting disciplinary proceedings against the petitioner and the orders passed therein.

11. Mr. Mohanty submits that the petitioner is specifically aggrieved by the appointment of respondent No. 6, and by the inquiry report furnished by respondent No. 6, who is a resident in Delhi. The petitioner's assertion that notices of hearing were issued from the inquiry officer's residence in Delhi, and that virtual hearings were conducted from his residence in Delhi, is in my view, also insufficient to attract the territorial jurisdiction of this Court. These are at best, a trifling part of the cause of action.

12. The place from which the petitioner attended the virtual hearings and the delivery of the petitioner's defence plea to respondent No. 6 at his residential address, are not part of the cause of action at all. They do not form any part of the bundle of facts upon which the petitioner claims the relief sought in this petition.

13. Mr. Mohanty next submits that a writ petition filed by other



employees of NHPCL [W.P.(C) 8932/2023: *Rajendra Alexander & Ors. v. Union of India & Anr.*], with regard to their superannuation and medical benefits, was entertained by this Court and disposed of by judgement dated 03.02.2025. The said judgement has been placed on record, but does not contain any finding with regard to territorial jurisdiction. The judgement is, therefore, of little assistance to the petitioner on this point. Mr. Sud further submits that the judgement is under appeal [LPA 282/2025: *NHPC Ltd. v. Sh. Rajendra Alexander*], including on the point of jurisdiction.

14. In view of the aforesaid, I am of the view that the present writ petition ought not to be entertained by this Court on grounds of territorial jurisdiction and/or principles of *forum non conveniens*.

15. The writ petition, alongwith pending applications, is therefore dismissed, with liberty to the petitioner to avail such remedies as may be available him to in law.

PRATEEK JALAN, J

SEPTEMBER 9, 2025

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