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

+ **W.P.(C) 1690/2026 and CM APPL. 8172/2026**

NATIONAL AGRICULTURE AND CONSUMER MULTI STATE
COOPERATIVE OF INDIA LIMITED (NAMCO LTD.)

.....Petitioner

Through: Mr. Shrey Kumar, Advocate

versus

UNION OF INDIA AND ANOTHER

.....Respondents

Through: Mr. Shashank Bajpai CGSC with
Ms.Aashna Mehra, Mr. Vatsal
Tripathi, Mr. Gvond Singh Chauhan,
Advocates.

Mr. Dhruv Sharma (G.P.) Advocate

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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06.02.2026

CM APPL. 8173/2026 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 1690/2026 and CM APPL. 8172/2026

3. There does not seem to be any reason to entertain a fresh petition on the same cause of action, once the petitioner withdrew a writ petition earlier. The order having been passed from Delhi should not be the sole factor which would determine the jurisdiction of the Court. The petitioner seeks to invoke the jurisdiction of this Court only on this count.
4. The Supreme Court in the case of *Kusum Ingots & Alloys Ltd. v.*



Union of India and Anr.,¹ has held that even if a small part of cause of action arises within the territorial jurisdiction of the one Court and the material, essential and integral part of cause of action has arisen within the jurisdiction of another Court, the principle of *forum conveniens* can be invoked and the party can be relegated to the Court where the material, essential and integral part of cause of action has arisen. The relevant portion of the aforesaid decision is extracted as under:-

“Forum conveniens

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 : ILR (1941) 1 Cal 490] , Madanlal Jalan v. Madanlal [(1945) 49 CWN 357 : 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] .]”

5. The passing of the order at Delhi would have given a fraction of cause of action, the same cannot be said to be material, integral or essential.
6. In view thereof, with the same liberty as was granted earlier, the instant petition deserves to be dismissed. The same is accordingly dismissed.

PURUSHAINDR KUMAR KAURAV, J

FEBRUARY 6, 2026

Nc/ksr

¹ (2004) 6 SCC 254.