



2026:DHC:1837



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 2510/2026**Date of Decision: **23.02.2026****IN THE MATTER OF:**

VASUDEV PANDURANG RATHOD AND ORS.Petitioners

Through: Mr. Niteen Kumar Sinha and Mr.
Chirag Joshi, Advs. (Thr. VC)

versus

BAR COUNCIL OF INDIA AND ORS.Respondents

Through: None.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

The petitioners are admittedly residing in Wardha, Maharashtra. They claim to have invested their savings in Yashwant Urban Credit Cooperative Society Limited, Wardha, Maharashtra. Alleging financial irregularities and misappropriation of the office bearers of the said Society, proceedings were initiated under the Maharashtra Cooperative Societies Act, 1960 (hereinafter "**said Act**"). An inquiry was conducted under Section 88 of the said Act, and a report was submitted on 30.05.2018 identifying financial discrepancies and imposing a liability of Rs. 95,18,514/- on the responsible parties.

2. However, owing to purported inaction of the appointed

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administrators, the petitioners were constrained to file a writ petition bearing W.P (St.) No. 5525/2019 before the High Court of Bombay at Nagpur through respondent no. 3-Advocate. In relation to the conduct of respondent no. 3 in filing and proceeding with the said writ petition, a disciplinary complaint no. 179/2022 was filed by the petitioners against respondent no. 3, before the State Bar Council of Maharashtra and Goa. The said complaint was dismissed *vide* order dated 26.06.2023, assailing which on 17.12.2024 an appeal under Section 37 of the Advocates Act, 1961 was filed by the petitioners before the Disciplinary Committee (respondent no. 2) of the Bar Council of India (respondent no. 1). It is this appeal which the petitioners seek to get listed and heard by respondent nos. 1 and 2.

3. The sole reason to invoke the jurisdiction of this Court seems to be that the respondents 1 and 2 are situated within the jurisdiction of this Court.

4. This Court in *The Indure Pvt. Ltd. v. Government of NCT of Delhi*,¹ took note of the decisions in *Shristi Udaipur Hotels v. Housing and Urban Development Corp.*,² *Riddhima Singh v. Central Board of Secondary Education*,³ *Smt. Manjira Devi Ayurveda Medical College and Hospital v. Uttarakhand University of Ayurveda and Ors.*,⁴ *Michael Builders and Developers Pvt. Ltd. v. National Medical Commission and Ors.*,⁵ which declare that the situs of the head office/registered office of the respondent, does not determine whether the Court has the requisite territorial jurisdiction to entertain a writ petition.

5. The Court in *The Indure Pvt. Ltd.* importantly noted, at paragraph no.

¹ 2026:DHC:1605.

² 2014 SCC OnLine Del 2892.

³ 2023 SCC OnLine Del 7168.

⁴ 2024:DHC:6903-DB

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36:

“36. A petitioner who approaches this Court to assail a decision of an authority situated in Delhi, when the underlying cause for the said decision lies elsewhere, effectively attempts to make this High Court a mini-pan-India Superior Court exercising jurisdiction over all events which take place throughout this Country. There is no gainsaying with the proposition that every High Court is competent to adjudicate upon a lis which arises from events or actions taking place within its territory. Merely because the ultimate order, which is based on events taking place outside Delhi and takes cognizance of actions outside of Delhi, is passed within the jurisdiction of this Court, a writ petition ought not be entertained by this Court.”

6. On the issue of a claimant approaching this Court on the sole-ground of the respondent-authority, an a pan-India statutory body, being situated within the jurisdiction of this Court, it was observed at paragraph nos. 37-

38:

“37. Naturally, being the capital of the Country, various authorities and bodies having pan-India jurisdiction would be located within the jurisdiction of this Court. Merely because the decision making authority happens to be in Delhi, ought not to be the sole reason to entertain a lis in this Court. The decision, no doubt, may be passed in the national capital, but it is usually against persons situated outside Delhi; and even more importantly, for actions which took place beyond the borders of this Court. The act of giving a hearing in Delhi, or the passing of an order in Delhi, is merely a result of a body/authority being situated in the national capital, it has nothing to do with the lis, the offending action, the legal injury or the foundational facts on the basis of which action is being taken.

38. The case-law cited above, makes repeated reference to “dominant facts”, and facts which are “material, essential and integral” to the lis in question. In most cases, the fact that the order is passed, or the head office is located, or that opportunity of hearing was afforded, within the jurisdiction of this Court is completely immaterial, non-essential, and non-integral to the dispute in question. Any of the aforementioned three aspects could very well have taken place in another part of the Country, it is for the sole reason that Delhi is the national capital, that, in most cases these factors get connected to the jurisdiction of this Court. From another lens, it may be

⁵ 2024:DHC:7146.



seen that regardless of what the underlying facts or legal injury/infringement may be, the order impugned would, in an overwhelming number of cases be passed from Delhi. If this be the case, can this constant factum, which shall remain present in each case, be considered a “dominant fact” or a “material, essential and integral” fact? The answer must be in the negative.”

7. Ultimately, the Court concluded that the substance of a matter must be adjudged, and not the unchanging constant which is present in every petition against a State-authority, to arrive at a conclusion on whether to entertain a petition in the context of territorial jurisdiction and *forum non conveniens*. At paragraph no. 42 this Court observed:

“42. It is the substance of the matter which the Court must consider in determining the connection with Delhi. An order being passed by an authority in Delhi is an unchanging constant. This static/uniform facet, which is unmoved by the nature of the lis, ought not to determine where territorial jurisdiction would lie.”

8. In the facts of the instant case, there may be a part of cause of action which has arisen in Delhi, however, the same should not be the sole reason to entertain the instant petition.

9. The Supreme Court in the case of ***Kusum Ingots & Alloys Ltd. v. Union of India and Anr.***,⁶ has held 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*. The material portion of the aforementioned decision reads as under:

“Forum conveniens

⁶ (2004) 6 SCC 254.



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] .]*”

10. In view of the above, petition stands dismissed. Liberty is, however, granted in favour of the petitioner to approach the jurisdictional High Court to agitate the instant *lis*, if so advised.

11. All rights and contentions of the parties are left open.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

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