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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3455/2026, CM APPL. 16559/2026 & CM APPL. 16561/2026

Date of Decision: **18.03.2026**

IN THE MATTER OF:

SAMATA PARTY THROUGH UDAY KR MANDALPetitioner

Through: Ms Sanskriti Sana and Mrs. Poonam Shahi, Advs. along with petitioner in person.

versus

DIRECTORATE OF ENFORCEMENT & ANR.Respondents

Through: Mr. Anupam S Sharrma, Mr. Vashisht Rao, Ms. Riya Sachdeva, Ms. Amisha P Dash, Mr Abhiyanta Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition is for setting aside communication dated 04.12.2025 issued by the respondent no. 2-Adjudicating Authority, Directorate of Enforcement (ED), *vide* which, the petitioner has been summoned to give evidence with respect to an ongoing investigation.

2. The sole reason assigned by the petitioner for instituting the petition before this Court is that the Head Office of the ED is situated in New Delhi.

The relevant paragraph of the petition is extracted below, for reference:



“19. That the cause of action has arisen within the territorial jurisdiction of Hon'ble Delhi High Court. The Respondent Directorate of Enforcement has its Head Office at New Delhi, the impugned actions have been initiated from within the jurisdiction of Hon'ble Delhi High Court, Accordingly, Hon'ble Delhi High Court has territorial jurisdiction to entertain the present petition. The Hon'ble Delhi High Court has the pecuniary Jurisdiction to entertain the present petition, the matter being one invoking constitutional writ jurisdiction and not barred by any statutory pecuniary limitation. There is no efficacious or adequate alternative remedy available to the Petitioner in the facts and circumstances of the case.”

3. However, it is seen that a substantial part of the underlying cause of action for the petition has arisen outside the jurisdiction of this Court. The petitioner has been summoned to appear before respondent no. 2, who is situated in Jalandhar in the State of Punjab. The Enforcement Case Information Report [**ECIR**] on the basis of which the impugned communication was issued has been registered at Jalandhar Zonal Office of the ED. It is only pursuant to the same that the petitioner has been summoned. Further, the F.I.R. underlying the entire investigation has been registered in Bathinda, in the State of Punjab.
4. The situs of the Head Office of the ED, which has approved the impugned communication, is not the sole factor to be considered while determining the jurisdiction of the Court. The aspects noted in the preceding paragraphs indicate that the genesis of the controversy lies outside the jurisdiction of this Court.
5. The petitioner is correct in contending that a part of the cause of action has arisen within the jurisdiction of this Court, however, the same does not preclude the Court from exercising its discretion not to entertain the petition, considering the entire facts of the case.
6. The Court, in case of *Indure Pvt. Ltd. v. Government of NCT of*



Delhi and Ors.,¹ more specifically, in paragraphs 36 to 38 has held as under:

“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.

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 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. The Supreme Court in the case of **Kusum Ingots & Alloys Ltd. v.**

¹ 2026:DHC:1605



Union of India and Anr.,² 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

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] .]”.

8. In view of the aforesaid, the petition stands dismissed.
9. However, the petitioner shall be at liberty to approach the jurisdictional High Court.
10. All rights and contentions of the parties are left open.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 18, 2026/P

² (2004) 6 SCC 254.