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

+ W.P.(C) 3507/2026, CM APPL. 16893/2026 & CM APPL. 16894/2026

Date of Decision: **18.03.2026**

IN THE MATTER OF:

SAI KRIPA EYE AND CHILDREN HOSPITALPetitioner

Through: Adv. Mr. Fanish Kumar Rai, Adv.
Ms. Rakhi Kumari, Adv.

versus

QUALITY COUNCIL OF INDIA & ANR.Respondents

Through: Mr. Vikas Chopra, Advocate.

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 15.12.2025 issued by respondent no. 2-National Accreditation Board for Hospitals and Healthcare Providers (NABH), whereby the petitioner has been informed that it has not been recommended for empanelment with the Ex-Servicemen Contributory Health Scheme (ECHS).

2. At the outset, it is seen that the entire cause of action has arisen outside the jurisdiction of this Court. The petitioner-hospital is situated within the State of Punjab and the effect of the impugned order, therefore,



would be felt therein.

3. Merely on the ground that the respondents are located in Delhi and an order has been passed in Delhi, should not be the reason to entertain the instant writ petition by this Court.

4. 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

¹ 2026:DHC:1605



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.”

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

6. The location of the respondents and part of cause of action may have arisen within the limits of this Court on account of the respondents’ location and the order has been from Delhi, however, the same should not be the sole factor.



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7. In view of the aforesaid, the petition stands dismissed.
8. However, the petitioner shall be at liberty to approach the jurisdictional High Court.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 18, 2026/P

² (2004) 6 SCC 254.

Signature Not Verified

Signed By:AMIT KUMAR
SHARMA
Signing Date:25.03.2026
13:18:10

Signature Not Verified

Signed
By:PURUSHAINDRA
KUMAR KAURAV