



2026:DHC:3531



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

+ **W.P.(C) 5202/2026**

Date of Decision: **20.04.2026**

IN THE MATTER OF:

M/S HULE CONSTRUCTIONS PVT. LTD.

.....Petitioner

Through: Mr. J. N. Singh and Ms. S. J. Singh,
Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Rohan Jaitley CGSC, Mr. Amit
Kumar Rana GP, Mr. Akshay Sharma
Adv., Mr. Dev Pratap Shahi Adv, Mr.
Varun Pratap Singh Adv., Mr Yogya
Bhatia Advocates for UOI.
Mr. Santosh Kumar, Standing
Counsel and Mr. Devansh Malhotra,
Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

CM APPL. 25473/2026 (EXEMPTION)

CM APPL. 25474/2026 (EXEMPTION)

1. Exemptions allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 5202/2026 and CM APPL. 25472/2026 (INTERIM RELIEF)



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1. The petition is for the following reliefs:
 - (a) *Quash and set aside the order/communication dated 20.03.2026 issued by the respondent no.4, cancelling the running and concluded contract.*
 - (b) *Direct the respondent No.4 Project Director permitting the petitioner for resumption of toll collection.*
 - (c) *Pass any other or further order which this Hon'ble Court may deem fit and proper in the facts and circumstances of present case.*
2. The petitioner is a company incorporated under the Indian Companies Act, 1956 and is engaged in the business of Civil Construction as well as the business of Toll collection.
3. The petition assails the order dated 20.03.2026 (**hereinafter “impugned order”**) issued by the respondent no.3 – National Highways Authority of India (**hereinafter “NHAI”**), whereby the contract awarded to the petitioner has been terminated allegedly without any opportunity of hearing.
4. The respondent no. 3 - NHAI issued a Request for Proposal (**hereinafter “RFP”**) inviting bids for engagement of a user fee collection agency in respect of a toll plaza situated in the State of Karnataka. The petitioner participated in the said bidding process and, upon evaluation of bids, was declared as the successful bidder by the competent authority. Consequently, a Letter of Award (**hereinafter “LoA”**) dated 05.12.2025 was issued in favour of the petitioner, followed by a work order dated 02.01.2026.
5. It is the case of the petitioner that on 14.03.2026, toll collection operations were disrupted due to alleged interference by certain ex-employees and other persons, resulting in complete stoppage of toll operations. The petitioner made several representations to the respondent



authorities and local police authorities seeking protection and resumption of toll collection. It is stated that despite such requests, the impugned order dated 20.03.2026 came to be issued terminating the contract.

6. The facts of the case would indicate that the impugned order relates to the engagement of the petitioner as user fee collection agency of a four-lane road situated in the State of Karnataka.

7. The sole reason to invoke the jurisdiction of this Court appears to be that the respondent i.e. the NHAI is situated within the jurisdiction of this Court.

8. 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 a Court ought to have the requisite territorial jurisdiction to entertain a writ petition.

9. The Court in *The Indure Pvt. Ltd.* importantly noted, at para. 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

¹ 2026:DHC:1605.

² 2014 SCC OnLine Del 2892.

³ 2023 SCC OnLine Del 7168.

⁴ 2024:DHC:6903-DB

⁵ 2024:DHC:7146.



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.”

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.”

10. On the issue of a claimant approaching this Court on the sole-ground of the respondent-authority, an arm of the union government, being situated within the jurisdiction of this Court, it was observed at para. 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.

11. 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 para. 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.”

12. The Division Bench of this Court in ***M/s Vedanta Ltd. v. Nominated Authority Ministry of Coal, Govt. Of India and Ors.***⁶ has held as under:

“41. In Sterling Agro Industries Ltd v. Union of India and Others, 2011 SCC OnLine Del 3162, the Full Bench of this Court has held that even if a minuscule part of cause of action arises within the jurisdiction of a High Court, a writ would be maintainable before that High Court, however that part of cause of action must constitute a material, essential, or integral part of the cause of action as laid down in Alchemist Ltd. v. State Bank of Sikkim, (2007) 11 SCC 335. It was further held that the location of the appellate or revisional authority alone would not constitute forum convenience as it will vary from case to case and depend upon the lis in question. Therefore, it was held that while exercising the writ jurisdiction, the doctrine of forum convenience and the nature of cause of action are required to be scrutinized by the High Court depending on the factual matrix of each case.

...

46. Therefore, material, essential and dominant cause of action has not arisen within the jurisdiction of this Court and, accordingly, the submission of the Appellant that this Court ought to have exercised jurisdiction on the basis of issuance of SCN-III within the jurisdiction of this Court is untenable. By issuing SCN-III, no order has been passed and accordingly forum convenience would be in the jurisdictional High Court where the Tribunal is situated.

47. In view of the above, we concur with the view taken by the learned Single Judge in the Impugned Orders. Hence, the Appeal filed by Vedanta being LPA No. 83/2026 along with the pending applications deserves to be dismissed.”

13. In the instant case, the entire gamut of facts giving rise to the present *lis*, including issuance of tender, submission and acceptance of bid, the execution of contract, performance thereof, alleged disruption of toll operations, and the issuance of the impugned termination order, are all



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intrinsically connected with the toll plaza and the project site situated in the State of Karnataka. It is, therefore, that the material, essential and integral part of the cause of action has arisen outside the jurisdiction of this Court.

14. The mere fact that the *situs* of the NHAI and that certain communications may have been issued from Delhi would not constitute a material, integral or substantial part of the cause of action so as to confer territorial jurisdiction upon this Court. The principal and dominant cause of action has undeniably arisen outside the territorial jurisdiction of this Court. In such circumstances, even if a minuscule part of cause of action is assumed to have arisen within Delhi, this Court would be justified in declining to exercise its discretionary jurisdiction by applying the doctrine of *forum conveniens*.

15. Under almost similar circumstances, this Court in the cases of ***Vishwa Samudra Kannur Expressway Privtae Limited v. National Highways Authority of India***⁷ and ***Vishwa Samudra Engineering Private Limited v. National Highways Authority of India***⁸, wherein, the petitioners were awarded the contract of road construction in the State of Kerala and they were debarred by NHAI and have approached this Court against the debarment.

16. The Court found that the inspections conducted by NHAI and the deficiency highlighted concerning the execution of the project was in Kerala. The petitioners were then relegated back to the jurisdictional High Court. The material of portion of the aforesaid has been extracted as under:

⁶ 2026:DHC:3006-DB.

⁷ W.P.(C) 5212/2026 judgement dated 20.04.2026

⁸ W.P.(C) 5237/2026 judgement 20.04.2026



11. In the facts of the instant case, the project undertaken by the petitioner herein was in Kerala i.e., outside the jurisdiction of this Court. The inspections conducted by NHAI also concerned the said project, the deficiency highlighted in the Impugned SCNs concerned acts/omissions of the petitioner concerning the execution of the project in Kerala. It is, therefore, clear as day, that the material, essential and integral part of the cause of action has arisen outside the jurisdiction of this Court.

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17. 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.

17. Even otherwise, the Supreme Court in the case of **Kusum Ingots & Alloys Ltd. v. Union of India and Anr.**,⁹ has held that even if small part of cause of action arises within the territorial jurisdiction of this 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] .]”

⁹ (2004) 6 SCC 254.



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18. Accordingly, in view of the aforesaid and applying the principle of *forum conveniens* as the material, integral and essential part of the cause of action has arisen outside the jurisdiction of this Court, the petition, along with the pending application, stands dismissed.

19. However, liberty is reserved in favour of the petitioner to approach the jurisdictional High Court.

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

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

APRIL 20, 2026
Aks/ss