



\$~88

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6852/2026, CM APPL. 33657/2026 & CM APPL. 33659/2026**

VIPIN KUMAR SHUKLA & ORS.

.....Petitioners

Through: Mr. Hrishikesh Baruah, Ms. Nishtha Sachan, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ashish Tanwar, SPC, Ms. Divya Mishra, GP for UOI.
Mr. Abhishek Nanda, Mr. Sourabh Singh, Ms. Hrishika Rawat and Ms. Yashika Singh, Advs. for IRDAI.
Mr. Prithu Garg, Mr. Ashutosh Arvind Kumar, Mr. Aryan Bhat, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **18.05.2026**

CM APPL. 33658/2026

1. Exemptions allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 6852/2026, CM APPL. 33657/2026 & CM APPL. 33659/2026

3. The instant petition is for the following reliefs:

*“(i) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing Respondent No. 2 [IRDAI] to conduct the draw of lots in accordance with law for the purpose of identifying and declaring the names of two-thirds (2/3rd) of the Directors of Respondent No. 3 [IISLA] liable to retire by rotation; and
(ii) Issue a Writ of Mandamus or any other appropriate Writ, Order or*



Direction directing Respondent No. 2 [IRDAI] to conduct the 15th Central Council Elections of Respondent No. 3 [IIISLA]. 37

(iii) Issue a Writ of Certiorari or any other appropriate Writ, Order or Direction thereby quashing and setting aside the purported draw of lots allegedly conducted during the Board Meeting dated 07.05.2026 being illegal, arbitrary, without jurisdiction and against the principles of natural justice; and

(iv) Pass such other and further Order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."

4. Mr. Hrishikesh Baruah, learned counsel appearing on behalf of petitioners has made various submissions and has alleged violations of the statutory notice as well as the authority of the Board of Directors.

5. The Court, however, finds that conduction of draw of lots itself is the subject matter of the adjudication. Admittedly, the draw of lots has taken place outside the territorial jurisdiction of this Court.

6. The material, integral and essential part of cause of action has arisen outside the jurisdiction of this Court. Mr. Hrishikesh Baruah points out certain orders passed by this Court with respect to earlierw controversy. However, in those matters, the issue of territoriality was not raised by the parties neither the same was decided. Those decisions, therefore, would have no binding precedent for the purpose of territoriality.

7. Mr. Hrishikesh Baruah may be correct in stating that a part of cause of action has arisen in Delhi. The Supreme Court in the case of ***Kusum Ingots & Alloys Ltd. v. Union of India and Anr.***¹ has held that the same should not be the sole factor to entertain the writ petition. The relevant portion of the decision is extracted below for reference:

"Forum conveniens

30. We must, however, remind ourselves that even if a small part of cause

¹ (2004) 6 SCC 254



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 appropriate matters, where the Court finds that the material, integral and essential part of cause of action has arisen outside the jurisdiction of this Court, the Court can relegate the parties to the concerned High Court.
9. For the same reasons, the Court finds that the doctrine of *forum conveniens* would have full force. The petition is, therefore, dismissed. Pending applications are also disposed of.
10. Liberty is, however, granted to approach the jurisdictional High Court.
11. All rights and contentions of the parties are left open.
12. *Dasti.*

PURUSHAINDR KUMAR KAURAV, J

MAY 18, 2026/SH