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

\+ **W.P.(C) 7206/2026 and CM APPL. 35282/2026**

Date of Decision: **22.05.2026**

**IN THE MATTER OF:**

MS TAURANT PROJECTS LTD .....Petitioner

Through: Mr. Anuroop P S., Advocate.

versus

GAIL INDIA LTD .....Respondent

Through: Mr. Ratan K. Singh, Sr. Advocate with Mr. Nikhilesh Krishnan, Ms. Ritika Priya, Mr. Karna Mehra, Advocates.

**CORAM:**
**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

**JUDGEMENT**

**PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The present petition seeks a direction to the respondent to forthwith issue an Execution Certificate in favour of the petitioner with respect to the work executed by it, in relation to a project at Ranchi, Jharkhand.

2. The facts appear to be that on 10.02.2018 GAIL Gas Ltd. ("**GAIL**") floated a tender for Laying and Construction of 12", 8" (PART A), NB Underground Steel Pipeline Network and Associated works at Ranchi, Jharkhand. A Letter of Acceptance, thereafter, came to be issued by the petitioner on 08.05.2018 and a purported Letter of Award dated 29.05.2018

was also issued by GAIL.

3. Thereafter, certain disputes seem to have emerged between the parties, which culminated into, as per the petitioner, another purported Letter of Award dated 13.06.2019. In furtherance of the said purported award, a pipeline network came to be commissioned by the petitioner in Ranchi, Jharkhand. A Modified Execution Certificate also seems to have been issued to the petitioner by M/s Tractebel Engineering Pvt. Ltd. on the petitioner commissioning the gas pipeline. The petitioner, on 03.09.2024, also seems to have commissioned work on another 3.567 km pipeline stretch, which ultimately, came to be allegedly completed.

4. It is with respect to the aforesaid work being undertaken at Ranchi that the petitioner is seeking an Execution Certificate from GAIL.

5. It appears that the sole ground to move this High Court is that the respondent-GAIL has its office within the jurisdiction of this Court.

6. 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.

[1] 2026:DHC:1605.
[2] 2014 SCC OnLine Del 2892.
[3] 2023 SCC OnLine Del 7168.
[4] 2024:DHC:6903-DB

7. 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 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.*"

8. On the issue of a claimant approaching this Court on the sole-ground of the respondent-authority 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.*
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> ***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 aforenoted 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*

[5] 2024:DHC:7146.

*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.*"

9. 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.*"

10. 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.

11. 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 aforenoted 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*

[6] (2004) 6 SCC 254.

*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] .]"*

12. 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.

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

**PURUSHAINDRA KUMAR KAURAV, J**

**MAY 22, 2026**
***Aks/Rao***