



2026:DHC:2490



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 8570/2023****Date of Decision: 19.03.2026****IN THE MATTER OF:****AASTHA ELECTRICALS****.....Petitioner**

Through: Mr. Asutosh Lohia, Ms. Shraddha Bhargava, Ms. Mansi Rose Taneja, Ms. Rishika Jain, Advocates.

versus**UNION OF INDIA MINISTRY OF POWER
& ORS.****.....Respondents**

Through: Ms Arunima Dwivedi CGSC with Ms Himanshi Singh Adv Ms Monalisha Pradhan, Advocates for R-1.
Mr. Mukul Singh CGSC, Mr. Aryan Dhaka, Advocate for UOI.
Mr. Samdarshi Sanjay Ms. Monika Sharma Mr. Sushil Kumar Dubey Mr. Ashish Kumar Sharma, Advocates for R-2.
Dr. Aman Rab and Mrs. Payal Bhatia, Advocates for R-3.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

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SHARMA

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1. It appears that respondent no.2-Energy Efficiency Service Limited was awarded the contract by the Nagar Nigam, Dehradun i.e. Respondent no.3 herein, in this particular case, and the petitioner was the sub-contractor of respondent no.2.

2. The petitioner seeks certain enquiry against the conduct of respondent no.2. Accordingly, learned counsel for the petitioner presses for prayer 'b' of the petition, which reads as under:

“b. Grant a Writ/Order/Direction directing inquiries to be made through the offices of CAG/CVC/CBI into the mismanagement and misappropriation public funds in Respondent No. 2 prompted and promoted by Respondent No. 1;”

3. The overall facts and circumstances, however, indicate that respondent no.2 essentially had sub-let the work to be performed by the petitioner with respect to the Nagar Nigam, Dehradun.

4. Learned counsel for the petitioner submits that the respondent no.2 has performed the work throughout the country and has committed illegalities and irregularities at various places. The petitioner, therefore, invokes the jurisdiction of this Court on the ground that respondent no.2 is in Delhi and respondent no.1's Office, who has to conduct the enquiry is also within the jurisdiction of this Court.

5. The Court, however, finds that the material, integral and essential cause of action has arisen outside the jurisdiction of this Court.

6. Merely, the Office of respondent no. 2 is in Delhi and respondent no.1, which is the decision making authority, is in Delhi, should not be the sole reason to invoke the jurisdiction of this Court. It be also noted that there seems to be various cases pending between the parties including arbitration cases. The controversy is intrinsically rooted through the work

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awarded to the petitioner by respondent N0.2 at Dehradun.

7. The Supreme Court in the case of ***Kusum Ingots & Alloys Ltd. v. Union of India and Anr.***,¹, has held 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. Having considered the overall facts and circumstances, the Court finds that the petition deserves to be dismissed on the ground of *Forum conveniens*.

9. Accordingly, the petition stands disposed of with liberty to the petitioner to approach the jurisdiction Court.

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

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 19, 2026

aks.

¹ (2004) 6 SCC 254.