



2026:DHC:4962



\$~20

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

+ **W.P.(C) 7793/2026 & n CM APPL. 37765/2026**

Date of Decision: **29.05.2026**

IN THE MATTER OF:

MDD MEDICAL SYSTEM INDIA PVT LTDPetitioner

Through: Mrs. Krishna Saroff and Md Shah
Minhajuddin, Advs.

versus

HINDUSTAN PREFAB LIMITED & ANR.Respondents

Through: Ms. Arti Bansal CGSC (UOI), Ms.
Shruti Goel and Ms. Neha Ghugtayal,
Advocates for UoI.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition is, primarily, for directions to respondent no. 1-company to release and pay to the petitioner, the purportedly undisputed outstanding dues of Rs. 27,29,083/- (Twenty-Seven Lakh Twenty-Nine Thousand and Eighty Three Rupees only).
2. As per the case set up by the petitioner, the aforesaid dues arise out of work order dated 05.05.2018, whereby, it was engaged by respondent no. 1-company for 'supplying, installation, testing, and commissioning of medical gas pipeline system and equipment' for the ESIC Hospital at Raipur,



Chhattisgarh.

3. The petitioner has approached this Court for redressal of its grievance solely because respondent no. 1-company is situated in New Delhi. However, the Court finds that the *situs* of the respondent cannot be the sole determinative factor with respect to the question of territorial jurisdiction.

4. The Court finds that the alleged outstanding dues which the petitioner seeks to recover are with respect to work which was to be executed in the State of Chhattisgarh. Therefore, the underlying cause of action for the petitioner's grievance, overwhelmingly, arose therein.

5. The *situs* of respondent no. 1-company being in New Delhi may, at most, give rise to a minuscule part of the cause of action within the jurisdiction of the Court. The same, however, would not be the determinative factor for deciding the question of territorial jurisdiction. In fact, the material, integral and substantial part would still be within the State of Chhattisgarh.

6. The Supreme Court in the case of ***Kusum Ingots & Alloys Ltd. v. Union of India and Anr.***,¹ has held that even if a small part of cause of action arises within the territorial jurisdiction of a High Court, the same by itself may not be determinative for compelling the said Court to entertain the petition. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of *forum conveniens*. The relevant portion of the said 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

¹ (2004) 6 SCC 254.



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] .]”

7. This Court as well, in ***Indure Pvt. Ltd. v. Government of NCT of Delhi and Ors.***² 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

² 2026:DHC:1605



2026:DHC:4962



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.”

8. In view thereof, the Court finds it appropriate to relegate the petitioner to the jurisdictional forum.
9. With the aforesaid liberty, the petition stands disposed of.
10. It is needless to state that all rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J

MAY 29, 2026/P