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

+ W.P.(C) 13313/2022 and CM APPL. 40406/2022, CM APPL. 40407/2022

SHIVINDER MOHAN SINGH & ANR.

.....Petitioners

Through: Mr. Ashim Sood, Mr. Ekansh Gupta,
Mr. Prateek Kundu, Mr. Kartikeya
Jaiswal, Ms. Senu Nizar, Mr. Karan
Kumar, Advocates.

versus

SECURITIES AND EXCHANGE BOARD
OF INDIA

.....Respondent

Through: Mr. J. Sai Deepak Sr. Advocate with
Mr. Abhishek Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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16.03.2026

1. Mr. J Sai Deepak, learned senior counsel for the respondent submits that the petition has to be dismissed on the following two fundamental grounds: i) This Court lacks the territorial jurisdiction, ii) The petitioner has an efficacious alternate remedy.
2. Mr. Ashim Sood, learned counsel for the petitioner places reliance on the decisions passed by this Court in the case of ***Directorate of Enforcement and Others vs. State of West Bengal and Others***¹; and another decision passed by the Bombay High Court in the case of ***Messrs Dowsly Polymers***

¹ 2021 SCC OnLine Del 5603



Ltd. and Anr. vs. M. G. Abrol, Spl. Secretary, Ministry of Finance and Ors.². He contends that in both the cited decisions, the principles of law laid down are against the submissions made by the respondent.

3. The Court, however, considers that in the case of **Bharat Nidhi Limited vs. Securities and Exchange Board of India and Ors.**³, while dealing with the almost similar controversy, it has been held as under:

118. In the instant case, except the fact that (i) the petitioners have their registered offices or residences in Delhi; (ii) they have received the SCN or the final order at Delhi; (iii) the fact that some of the shareholders are located in Delhi; (iv) this court is seized with W.P.(C) no. 10756/2019, there is no other fact, much less a material or integral fact, to entitle the petitioners to invoke the jurisdiction of this court.

*119. It is, thus, seen that under the facts of the instant matters, the integral, essential and material part of the cause of action had arisen with the territorial jurisdiction of the Hon'ble High Court of Judicature at Bombay and even assuming that a slender part of cause of action has arisen within the jurisdiction of this court, applying the principles of forum conveniens as has been held by the Hon'ble Supreme Court in the case of **State of Goa** (supra), this court does not deem it appropriate to entertain the instant writ petitions. The instant writ petitions are, therefore, dismissed.*

4. On an appeal against the aforesaid decision passed by this Court in **Bharat Nidhi Limited**⁴, the Division Bench in paragraph no. 21 and 21.1 has held as under:

21. The High Court while exercising its jurisdiction under Article 226 of the Constitution of India to entertain a writ petition, in addition to examining its territorial jurisdiction also examines if the said Court is the forum conveniens to the parties. The issue of forum conveniens is seen not only from the perspective of the writ petitioner but it is to be seen from the convenience of all the parties before the Court. In the facts of this case, as is evident from the record that the forum conveniens for the both the parties is Mumbai. The Appellants since the year 2020 have been appearing in Mumbai before SEBI in the SCN

² 1987 SCC OnLine Bom 149

³ 2023:DHC:9101

⁴ 2024:DHC:426-DB



proceedings. In W.P.(C) 15556/2023 (as well as the other writs) the writ petitioner has sought a direction for summoning the records of SEBI for examining the legality and validity of the Impugned Revocation Order. In these facts, therefore, the objection of SEBI that Mumbai is the forum conveniens for the parties has merit. The obligation of the Court to examine the convenience of all the parties has been expressly noted by the Full Bench of this Court in Sterling Agro Industries Ltd. (supra).

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21.1. In view of the facts noted hereinabove, this Court is of the view that the learned Single Judge has rightly concluded that applying the principles of forum conveniens, it would not be appropriate to entertain the writ petitions and the Appellants may approach the appropriate High Court.

5. It is, thus, seen that merely the show cause notice served upon the petitioner in Delhi should not be the sole factor to invoke the jurisdiction of this Court.
6. The respondent is, therefore, correct in its submission that the material, integral and essential part of cause of action has arisen outside the jurisdiction of this Court. The petition, therefore, deserves to be dismissed on this fundamental ground, and, accordingly, the same stands dismissed.
7. Liberty is granted to the petitioner to file the petition before the Court/ Forum of appropriate jurisdiction.
8. So far as the second submission made by J. Sai Deepak, regarding alternate remedy is concerned, the same will have to be dealt with by the concerned Court/ Forum, where the petitioner will have to take the remedy.
9. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 16, 2026

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