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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15168/2025, CM APPL. 62224/2025 and CM APPL. 4223/2026**

MS SPECIAL BLASTS LIMITED

.....Petitioner

Through: Mr.Saurabh S. Sinha, Ms. Chitra Y. Pande and Ms. Rishhab Shivhare, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Nidhi Raman, CGSC, Mr. Amav Mittal, Mr. Akash Mishra and Mr.Mayank Sansanwal, Advs., for R-1 and 3.
Mr. M. Samantray and Ms. Ayushi Upadhyay, Advs. for R-2.
Mr. Nalin Kohli, Sr. Advocate with Mr. Adarsh, mr. Ayushman, Mr. Parth, Advocates for intervenor.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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21.01.2026

1. The petitioner in the instant petition prays for the following reliefs:-

“A. Issue a writ of mandamus or a writ, order or direction in the nature thereof directing Respondent no. 1 to place before this Hon'ble Court the communication received from DPIIT, Ministry of Commerce and Industry referred to in letter bearing no. PD-26025/12/2020-PD-II/342898 dated 08.09.2025 issued by the Ministry of Ports, Shipping and Waterways (Ports Wing), Government of India; and



B. Issue a writ of mandamus or a writ, order or direction in the nature thereof quashing letter bearing no. PD-26025/12/2020-PDII/342898 dated 08.09.2025 issued by the Ministry of Ports, Shipping and Waterways (Ports Wing), Government of India; and

C. Issue a writ of mandamus or a writ, order or direction in the nature thereof quashing Trade Circular bearing No. TD/TM/IMP-47/2663 dated 16.09.2025 issued by Paradip Port Authority; and

D. Issue any other writ, order or directions that this Hon'ble Court may deem fit in the facts and circumstances of this case.”

2. The Court *vide* its order dated 26.09.2025 while issuing notice has noted, at paragraph no.13, the objection regarding jurisdiction of this Court.

3. Learned counsel appearing on behalf of respondent nos.1 and 3 reiterated the said objection and she submits that merely on the ground that respondent no.1 is situated in Delhi, the Court should not entertain the instant writ petition.

4. In ***Riddhima Singh v. Central Board of Secondary Education***¹ a Division Bench of this Court reiterated the settled proposition of law that where only a small part of the cause of action arises in the territorial jurisdiction of a Court, the Court has a discretion to apply doctrine of *forum conveniens*. Importantly, the decision in the case of ***Udaipur Hotels v. Housing and Urban Development Corp.***,² was also relied upon to hold that where the “most vital parts of the cause of action” have arisen the petition should be entertained. The mere presence of the registered office of the Respondent in Delhi would be irrelevant in determining territorial jurisdiction as it amounts to a miniscule part of the cause of action. The material portions of the judgement read as under:

¹ 2023 SCC OnLine Del 7168.

² 2014 SCC OnLine Del 2892.



“9. It is a settled position of law that where only a small part of the cause of action arises in the territorial jurisdiction of a Court, the same cannot automatically clothe the Court with jurisdiction under Article 226 of the Constitution of India. In such cases, the Court is obligated to follow the doctrine of forum conveniens. The doctrine of forum conveniens was elucidated by a full bench of this Court in Sterling Agro (supra) where it was held as follows:

“31. The concept of forum conveniens fundamentally means that it is obligatory on the part of the court to see the convenience of all the parties before it. The convenience in its ambit and sweep would include the existence of more appropriate forum, expenses involved, the law relating to the lis, verification of certain facts which are necessitous for just adjudication of the controversy and such other ancillary aspects. The balance of convenience is also to be taken note of. Be it noted, the Apex Court has clearly stated in the cases of Kusum Ingots (supra), Mosaraf Hossain Khan (supra) and Ambica Industries (supra) about the applicability of the doctrine of forum conveniens while opining that arising of a part of cause of action would entitle the High Court to entertain the writ petition as maintainable.

32. The principle of forum conveniens in its ambit and sweep encapsulates the concept that a cause of action arising within the jurisdiction of the Court would not itself constitute to be the determining factor compelling the Court to entertain the matter. While exercising jurisdiction under Articles 226 and 227 of the Constitution of India, the Court cannot be totally oblivious of the concept of forum conveniens...”

...

11. More significantly, a Division Bench of this Court in Shristi Udaipur Hotels v. Housing and Urban Development Corp 3 dealt with a similar issue and observed that where the most vital parts of the cause of action have arisen elsewhere, the mere presence of the registered office of the Respondent in Delhi would be irrelevant in determining territorial jurisdiction as it amounts to a miniscule part of the cause of action. ...

5. In **Siddartha S. Mookerjee and Anr. v. Madhab Chand Mitter and Anr.**,³ the Supreme Court was moved to assail an order of this Court, whereby notice was issued in a petition, filed under Article 227 of the



Constitution, challenging an order passed by the National Consumer Dispute Redressal Commission at New Delhi ('NCDRC'). The facts in that case were, that originally, a complaint was filed before the District Consumer Dispute Redressal Forum at Kolkata, which was rejected *vide* order dated 13.10.2017. Aggrieved by the same, an appeal was filed before the State Consumer Disputes Redressal Commission, West Bengal at Kolkata which was allowed *vide* order dated 13.02.2020. Dissatisfied by the said order, review petitions were preferred before the NCDRC, which were in turn allowed.

6. On the sole ground that NCDRC, passed the impugned order, is situated in Delhi, the jurisdiction of this Court was invoked, and notice in the said petition was issued. While allowing the appeal, and disposing of the writ petitions filed before this Court, the Supreme Court noted that, the location of authority cannot be a ground to move the Delhi High Court. The material portion of the judgement reads as under:

"8. Learned counsel for the respondent no. 1 contends that the jurisdictional High Court in the instant case ought to be treated as the High Court of Delhi, inasmuch as the judgment impugned before the High Court was passed by the NCDRC at Delhi.

9. In our opinion, that can hardly be treated as a ground to invoke the jurisdiction of the High Court of Delhi. The respondent No. 1 ought to have approached the High Court of Calcutta being aggrieved by the impugned judgment as the entire cause of action in the present case has arisen in Kolkata, where the patient was operated for ovarian cancer on 24th February, 2012, and expired on 30th July, 2014. The complaint case was filed at Kolkata based on the aforesaid cause of action. Merely, because the NCDRC has allowed the revision petitions filed by the appellants and the respondent no. 2 would not be a ground to vest jurisdiction in the High Court of Delhi.

10. Accordingly, the appeals are allowed. The petitions filed before the High Court of Delhi are disposed of with liberty granted to the

³ 2024 SCC OnLine SC 4285



respondent no. 1 to approach the High Court of Calcutta for seeking appropriate relief. In the event the respondent no. 1 files a petition before the High Court of Calcutta within four weeks from today, the appellant herein shall not raise any objection as to the maintainability of the said petition on the ground of limitation. It is further directed that in this duration, the appellants shall not rely on the order passed by the NCDRC.”

7. Pertaining to the same issue, a co-ordinate bench of this Court in ***Michael Builders and Developers Pvt. Ltd. v. National Medical Commission and Ors.***⁴ while relying on a pronouncement of the Division Bench in ***Vemparala Srikant v. General Secretary, India Bulls Centrum Flat Owners Welfare Co-Operative Society, Hyderabad***⁵ held as under:

“15. In case of Vemparala Srikant v. General Secretary, India Bulls Centrum Flat Owners Welfare Co-Operative Society, Hyderabad, LPA No. 744/2024, the Division Bench of this Court while deciding the question as to whether an order passed by the National Consumer Disputes Redressal Commission against an order passed by the State Consumer Disputes Redressal Commission can be challenged before this High Court or has to be challenged before the respective jurisdictional High Courts, the Division Bench of this Court held that when the foundational facts giving rise to the cause of action to the appellant to approach the Consumer Fora arose within the State of Telangana, it would be absurd to allow the petitions against orders of NCDRC to be filed only in High Court of Delhi, which would mean that a consumer who is agitating for his rights in far of places like Assam, Manipur or any other distant part of the country would have to necessarily travel to Delhi for such redressal, which cannot be allowed in view of the doctrine of “forum conveniens”.

16. A Coordinate Bench of this Court in the case of Chinteshwar Steel Pvt. Ltd. v. Union of India 2012 SCC OnLine Del 5264, has held that in case of pan India Tribunals, or Tribunals/statutory authorities having jurisdiction over several States, the situs of the Tribunal would not necessarily be the marker for identifying the jurisdictional High Court.”

8. Relying upon the observations of the Division Bench in ***Smt. Manjira***

⁴ 2024:DHC:7146.



Devi Ayurveda Medical College and Hospital v. Uttarakhand University of Ayurveda and Ors.,⁶ the co-ordinate bench in ***Michael Builders and Developers Pvt. Ltd.*** (supra), further, held as under:

“13. It was argued primarily on behalf of the petitioner that since the National Medical Commission has its head office in Delhi, this Court should exercise jurisdiction. However, the mere situation of the head office of National Medical Commission or Indian Nursing Council in Delhi does not automatically confer jurisdiction upon this Court. These bodies have offices, and their legal teams, which function in every State across the country, including Tamil Nadu. Thus, the argument that National Medical Commission or Indian Nursing Council is based in Delhi is insufficient to justify the filing of a writ petition before this Court, especially when the cause of action has arisen, and the parties involved herein are located, in Tamil Nadu and have already approached the Courts situated in the State of Tamil Nadu and have contested and obtained orders from the said Courts.”

9. The findings in ***Smt. Manjira Devi Ayurveda Medical College and Hospital*** (supra) itself were to the effect that the mere presence of the office of a respondent being within the jurisdiction of this Court would not cloth the Court with the jurisdiction to entertain the *lis*. The material portion of the judgement reads as under:

“12. It is not disputed that the appellant is located in Uttarakhand. It is also not disputed that the respondent no.1/University, to which the appellant is affiliated, is also located in Uttarakhand. Undeniably, the representations by the appellant have been submitted not only to the Registrar of the Uttarakhand Ayurveda University at Dehradun but also to the Secretary, Ayush and Ayush Education, Uttarakhand Secretariat which itself is located in Dehradun in the State of Uttarakhand. Admittedly, no representation at all on the issue raised in the underlying writ petition has ever been submitted to any of the respondent nos. 2 to 4 who are located in Delhi. It is not the case of the appellant that any such representation was indeed made over to respondent nos. 2 to 4 or that the same were either rejected or not responded to. The mere presence by virtue of the location of their

⁵ L.P.A. No. 744/2024.

⁶ 2024:DHC:6903-DB



offices at Delhi would not, ipso facto, confer exclusive jurisdiction upon this Court to exercise its jurisdiction under Article 226 of the Constitution of India. It is apparent that no cause of action at all has arisen within the local limits of the territorial jurisdiction of this Court.”

10. More, importantly, even if the situs of the head office or the fact of the impugned order having been passed in Delhi is considered as a part of the bundle of facts constituting the cause of action, the mere fact that a small part of the cause of action arises within the territorial jurisdiction of this Court, would not by itself be a determinative factor compelling the Court to assume jurisdiction. The writ remedy, being inherently a discretionary remedy, the High Court, may refuse to entertain a petition, in appropriate cases. Reliance may be placed on ***Kusum Ingots & Alloys Ltd. v. Union of India and Anr.***,⁷ the material portion of which 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 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] .]”

11. The petitioner, which as per the memo of parties has its office at Chattisgarh, is a company engaged in the manufacture of explosives, for which it imports Ammonium Nitrate; with the import operations taking

⁷ (2004) 6 SCC 254.



place at Paradip, Odisha. It is, therefore, clear that the effect/consequences of the impugned order *qua* the petitioner in particular, is felt at Paradip, Odisha.

12. Thus, it is Odisha, which is the true place where the cause of action for to agitate the present *lis* arose. Merely because one of the impugned notifications was issued by respondent no. 1, which is situated in Delhi, would not, in light of the law discussed above, be the sole reason to entertain this petition. Naturally, respondent no. 1, being the Ministry of Ports, Shopping and Waterways, Government of India, would be in New Delhi, this factum, would not at all, be the determinative factor compelling this Court to entertain the present petition.

13. Thus, in light of the law discussed above, and the facts of the instant case, the Court relegates the petitioner to the jurisdictional High Court.

14. Accordingly, reserving all rights and contentions of the parties, the instant petition stands disposed of along with all pending application(s).

15. The Court *vide* order dated 26.09.2025 protected the petitioner. Under the peculiar circumstances of the instant case, the said order shall remain in force till the petitioner's request for stay is considered by the jurisdictional High Court; however, the petitioner has to take appropriate steps within a period of ten (10) days from today for filing of the petition along with the stay application.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 21, 2026

Nc/ksr