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

+ **W.P.(C) 15234/2025**

Date of Decision: **15.05.2026**

IN THE MATTER OF:

SUBHAJIT KUMAR RAY

.....Petitioner

Through: Mr. Satyam Parashar, Mr. Kumar
Abhishek, Mr. Kumar Bhaskar,
Advocates.

versus

CENTRAL VIGILANCE COMMISSION
AND ANR

.....Respondents

Through: Mr Ravinder Agarwal, Mr Manish
Kumar Singh, Mr Vasu Agarwal,
Advocates for R-1.
Mr Premtosh K Mishra, CGSC, Mr
Shrey Sharma, Mr Anubhav
Upadhyay, Mr Arpit Bamal
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

CM APPL. 33128/2026 (BY PETITIONER- EARLY HEARING)

1. For the reasons stated in the application, the same stands allowed.
2. The writ petition is taken up for hearing today itself.

W.P.(C) 15234/2025

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SHARMA

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KUMAR KAURAV



3. Heard.

4. The petition is for the following reliefs:

“(a) Issue a writ of Mandamus or any other appropriate writ, order or direction directing Respondent No.1 to discharge its statutory functions under Section 8(1)(d) and 8(1)(h) of the Central Vigilance Commission Act, 2003 by inquiring or causing an independent inquiry to be made into the Petitioner’s complaint dated 01.04.2024 and to pass a reasoned speaking order there on.

(b) Issue a Writ of Declaration declaring that the action of Respondent No 1 in forwarding the Complaint dated 01.04.2024 to Respondent No 2 for necessary action is illegal and not in consonance with the procedure laid down in the Central Vigilance Commission Act, 2003 and the Rules framed thereunder.

(c) Direct that the Respondents communicate to the Petitioner an action taken report on an quarterly basis.”

5. The grievance of the petitioner is against a dealer of Hindustan Petroleum Corporation Limited (HPCL). Who is operating Akash Filing Station at Ujjain, Madhya Pradesh. The petitioner seems to have approached this Court, merely, on the ground that the respondent-Central Vigilance Commission (CVC) is in Delhi.

6. The Court in the case of **Indure Pvt. Ltd. v. Government of NCT of Delhi and Ors.**,¹ has held that the mere *factum* of the *situs* of the respondent –Authority in Delhi cannot be the sole factor for determining the jurisdiction of the Court. Since the cause in the instant writ petition relates to the operation of a dealership of HPCL, which is outside the jurisdiction of this Court, therefore, the Court finds that the material, integral and essential part of cause of action has arisen outside the jurisdiction of this Court. The relevant paragraphs of the **Indure Pvt. Ltd.**, are reproduced as under:

“36. A petitioner who approaches this Court to assail a decision of an

¹ 2026:DHC:1605



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 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.”

7. The Supreme Court in the case of ***Kusum Ingots & Alloys Ltd. v. Union of India and Anr.***,² has held that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by

² (2004) 6 SCC 254.



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 aforementioned 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 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. In view thereof, applying the principle of *forum conveniens*, as the material, integral and essential part of cause of action has arisen outside the jurisdiction of this Court, the petition stands dismissed.

9. However, liberty is granted in favour of the petitioner to approach the jurisdictional High Court.

10. All rights and contentions are left open.

11. The date already fixed i.e. 01.09.2026, stand cancelled.

PURUSHAINDRA KUMAR KAURAV, J

MAY 15, 2026

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