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

+ **W.P.(C) 1321/2026**

WHEELS ON RENT

.....Petitioner

Through: Mr. Dharmendra Sharma, Advocate.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr Varun Pratap Singh Government
Pleader Advocate

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **30.01.2026**

CM APPL. 6444-6445/2026 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 1321/2026

1. The entire cause of action, which is essential, integral and material to the petition, has arisen within the jurisdiction of the High Court of Madhya Pradesh. The work in question was carried out in the State of Madhya Pradesh (M.P.). The respondents issued the notice from M.P. and the impugned order has also been passed from M.P.
2. Since only the location of the petitioner and the GeM Portal is situated within the territorial jurisdiction of this Court, only a miniscule part of the cause of action, if at all, can be deemed to have arisen in Delhi.



3. 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 the one Court and the material, essential and integral part of cause of action has arisen within the jurisdiction of another Court, the principle of *forum conveniens* can be invoked and the party can be relegated to the Court where the material, essential and integral part of cause of action has arisen. The relevant portion of the aforesaid decision is extracted 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] .]”

4. In view of the aforesaid, the Court declines to entertain the instant writ petition. The same is accordingly dismissed.

5. Liberty is, however, granted to the petitioner to approach the Court of competent jurisdiction. All rights and contentions of the parties are left open.

PURUSHAINDRA KUMAR KAURAV, J

JANUARY 30, 2026

Nc/amg

¹ (2004) 6 SCC 254.