$~74

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

% ***Date of Decision : 30.04.2025***

\+ **W.P.(C) 5559/2025 and CM APPL.25304/2025**

MANTEC CONSULTANTS PVT LTD .....Petitioner
Through: Mr. Sumeet Bhardwaj, Adv.
versus

UNION OF INDIA THOURGH MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE AND ORS .....Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*Oral*)

CM APPL.25305/2025 (Exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

W.P.(C) 5559/2025

3. The petitioner in the present petition assails notices dated 24.03.2025 and 02.04.2025 issued by the respondent no.2/ Gujarat State Electricity Corporation Ltd; notice dated 11.04.2025 issued by respondent no.1/Ministry of Environment, Forest and Climate Change (Impact Assessment Division) Government of India, and notice dated 16.04.2025 issued by respondent no.3/National Accreditation Board for Education and Training (NABET).

4. The present petition has been filed in backdrop of a work order dated 12.07.2024 issued to the petitioner (company engaged in environmental and

social impact assessment services) by the respondent no.2/Gujarat State Electricity Corporation Ltd. for ‘Consultancy Service for preparation of Environment Impact Assessment (EIA) Report and Environmental Management Plan (EMP) & getting Environmental Clearance (EC) for setting up of supercritical units in place of existing GSECL units at Gandhinagar TPS, Ukai TPS, Sikka TPS and for new supercritical units anywhere in Gujarat’.

5. The impugned notices have been issued against the petitioner on account of alleged professional negligence and failure to fulfil statutory obligations while submitting the ‘online application proposal for consideration of Terms of Reference (ToR) for proposed installation of 1x800 MW Supercritical Thermal Power ProjcctUnit~6 within the decommissioned 2x120 MW Unit 1& 2 Gandhinagar Thermal Power Station by M/s. Gujarat State Electricity Corporation Limited at Village Pethapur, District Gandhinagar, Gujarat’.

6. At the outset, it is noticed that substantial cause of action has arisen in Gujarat, India. The work order has been issued by respondent no.2 i.e., Gujarat State Electricity Corporation Ltd which is headquartered at Vadodara, Gujarat. In terms of the aforesaid work order, the Environmental Impact Assessment (EIA) is required to be undertaken by the petitioner in Gujarat for the purpose of ‘setting up of supercritical units in place of existing GSECL units at Gandhinagar TPS, Ukai TPS, Sikka TPS and for new supercritical units anywhere in Gujarat’. Furthermore, the impugned notices dated 24.03.2025 and 02.04.2025 have been issued by the respondent no.2/ Gujarat State Electricity Corporation Limited.

7. Learned Counsel on behalf of the petitioner submitted that cause of

action in the present petition partly arises within the jurisdiction of this Court inasmuch as the offices of respondent nos. 1 and 3, who have issued impugned SCN dated 11.04.2025 and 16.04.2025 are situated/headquartered in Delhi.

8. The submission advanced by the learned counsel on behalf of the petitioner lacks merit and cannot be sustained. A small part of cause of action arising in Delhi cannot be considered as a factor compelling enough for invoking the jurisdiction of this Court. The Supreme Court in ***Kusum Ingots & Alloys Ltd. v. Union of India,* 2004 6 SCC 254** has held that "*framing of a statute, statutory rule or issue of an executive order or instruction would not confer jurisdiction upon a court only because of the situs of the office or the maker thereof*." The relevant portion of the said judgment reads as under:

> ***"Situs of office of the respondents — whether relevant***
> *23. A writ petition, however, questioning the constitutionality of a parliamentary Act shall not be maintainable in the High Court of Delhi only because the seat of the Union of India is in Delhi. (See Abdul Kafi Khan v. Union of India [AIR 1979 Cal 354] .)*
> *xxx xxx xxx*
> ***26.** The view taken by this Court in U.P. Rashtriya Chini Mill Adhikari Parishad [(1995) 4 SCC 738] that the situs of issue of an order or notification by the Government would come within the meaning of the expression "cases arising" in clause 14 of the (Amalgamation) Order is not a correct view of law for the reason hereafter stated and to that extent the said decision is overruled. In fact, a legislation, it is trite, is not confined to a statute enacted by Parliament or the legislature of a State, which would include delegated legislation and subordinate legislation or an executive order made by the Union of India, State or any other statutory authority. In a case where the field is not covered by any statutory rule, executive instructions issued in this behalf shall also come within the purview thereof. Situs of office of Parliament, legislature of a State or authorities empowered to make subordinate legislation would not by itself constitute any cause of action or cases arising. In other words, framing of a statute, statutory rule or issue of an executive order or instruction would not confer jurisdiction upon a court only*

because of the situs of the office of the maker thereof.

xxx *xxx* *xxx*

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] ".*

9. The aforesaid view has been reiterated by a Division Bench of this Court in ***Anand Kumar vs Union of India and Ors.,*** 2025 SCC OnLine Del 188 as under:

> *"4. Apart from the fact that the Impugned Order dismissing the petitioner from service has not been issued at Delhi, it is trite law that "cause of action" means a bundle of facts which is necessary for the petitioner to prove in order to succeed in the proceedings. It does not completely depend upon a character of the relief prayed for by the petitioner. A small part of the cause of action arising within the territorial jurisdiction of a High Court may not be considered as a determinative factor compelling the High Court to decide the matter on its own merits. In such a case, the doctrine of forum non conveniens shall apply.*
>
> *5. As noted herein above, in the present case, the Impugned Order has been passed by the Commandant, CISF, RTC Arakkonam, District Ranipet, Tamil Nadu. Therefore, the cause of action has arisen at Tamil Nadu. Merely because the office of the Director General, CISF and the Ministry of Home Affair is situated at Delhi, it will not make this Court a forum conveniens.*
>
> *6. Applying the principle of the doctrine of forum non conveniens, therefore, we are of the opinion that this Court would not be the appropriate/convenient Forum to adjudicate on the grievance raised by the petitioner. "*
>
> (emphasis supplied)

10. Furthermore, a co-ordinate Bench of this Court in ***Aryans College of Education v. National Council for Teacher Education,*** 2024 SCC Online

Del 7165 has observed as under:

> *"73. It is also noteworthy that this Court is coming across numerous cases being filed from across the length and breadth of the country and clogging the docket of the court merely on the ground that the impugned action has been taken by an authority having the situs in Delhi. In all such cases, an argument is made that since the authorities concerned are located in Delhi, the same would constitute essential, integral and material facts to confer jurisdiction. However, accepting such an argument would lead to jurisdictional overreach by this Court, thereby, contradicting and diluting the purport of the constitutional scheme outlined in Article 226(2) of the Constitution of India. Therefore, the need has arisen to effectively ascertain the territorial jurisdiction of this Court in light of the bona fide intent of Article 226 of the Constitution of India as envisaged by the draftsmen.*
>
> *74. Further, Delhi being the national capital, is home to a major chunk of central regulatory bodies, central agencies, central public sector undertakings, etc. with their head offices/registered offices/regional offices located within the peripheral limits of the State and generally, the final decisions are either directly or indirectly taken by these authorities through their offices in Delhi. Notwithstanding the fact that some of the litigants may be resourceful in approaching this Court to challenge the action taken by these authorities merely because of their situs in Delhi, their resourcefulness shall not determine the course of justice.*
>
> *75. Undoubtedly, the other High Courts of the country are also not incapacitated to issue writs against the authorities located in Delhi, particularly in light of the authority explicitly granted as per Article 226(2) of the Constitution of India. It is observed that in some cases, the entertainability of disputes by different High Courts in the absence of there being any uniform approach adopted by the parties to agitate their grievance leads to an inconsistency in the adjudication of disputes, which must be endeavoured to be avoided. It is significant to curb such an approach in the context of a broader objective to eliminate any form of abuse of jurisdiction at the hands of litigating parties. In fact, this Court has come across several cases where the piousness of the writ jurisdiction is surreptitiously attempted to be compromised by the parties by making it susceptible to misuse by either non-disclosure of already pending proceedings before another High Court or through myriad other ways.*
>
> *76. Conversely, if the argument that for the purpose of avoiding confusion and inconsistency, only this Court must exercise jurisdiction over all the authorities located in the territorial jurisdiction of this Court, the same would also fail to muster support from the constitutional scheme enshrined in Article 226 of the Constitution of India, which does not intend any such restrictive interpretation.*

> *xxx* *xxx* *xxx*
>
> *81. Thus, it is manifestly evident that just because the NRC and the appellate authority of NCTE are situated within the territorial jurisdiction of this Court, this Court would not have better jurisdiction to entertain the petition as the material, essential and integral part of the cause of action lies outside the State of Delhi i.e. beyond the territorial jurisdiction of this Court. Therefore, the dictum laid down by the Supreme Court in Kusum Ingots &Alloys Ltd. case[7] that even if a slender part of the 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 merits, applies in full force in the present case."*
>
> (emphasis supplied)

11. In the circumstances, considering that substantial cause of action has arisen outside the jurisdiction of this Court and considering the dicta laid down in ***Kusum Ingots & Alloys Ltd. v. Union of India*** (supra), ***Anand Kumar vs Union of India and Ors*** (supra) and ***Aryans College of Education v. National Council for Teacher Education*** (supra), this Court is not inclined to entertain the present petition. The same is, consequently, dismissed. The pending application also stands disposed of.

12. Needless to say, the petitioner is at liberty to approach the concerned jurisdictional Court, for redressal of its grievances, in accordance with law.

SACHIN DATTA, J

APRIL 30, 2025/*sl*