



\$~84

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

+ W.P.(C) 15143/2025 and CM APPL. 62172/2025

Date of Decision: **12.02.2026**

IN THE MATTER OF:

HOLTEC CONSULTING PRIVATE LIMITED Petitioner

Through: Mr. Keshav Kumar Jha, Advocate.

versus

NATIONAL HIGHWAYS AND
INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED (NHIDCL) & ORS. Respondents

Through: Mr Avneesh Garg, Mr Utkarsh
Sharma, Mr Sukreet khandelwal, Ms
Saloni Kapoor, Advocates for R-1.
Mr. Santosh Kumar Standing Counsel
and Mr. Ritik Dwivedi and Mr.
Devansh Malhotra and Mr. Adithya
Ramani, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. It appears that earlier the Public Works Department ('PWD'), Meghalaya was the employer for the work in question. However, the National Highways and Infrastructure Development Corporation Limited ('NHIDCL'), thereafter, entered into the shoes of PWD on 09.05.2017 by way of the tripartite supplementary agreement.

Signature Not Verified

Signed By:AMIT KUMAR

SHARMA

Signing Date:20.02.2026

15:13:28

W.P.(C) 15143/2025

Signature Not Verified

Signed

By:PURUSHAINDRA

KUMAR KAURAV Page 1 of 3



2. The nature of the work was consultancy services for detailed engineering and detailed project preparation for upgradation of Nongstoin-Rambrai-Kyrshal Road upto Meghalaya – Assam Border to 2-Lane (Package II Portion from Km 34.039 to Km 72.600 in Meghalaya. The work has been performed in Shillong, Meghalaya. Merely, because the impugned order has been passed by the NHIDCL from its head office at Delhi, the petitioner has approached this Court. Merely as the head-office of the respondent-NHIDCL is at Delhi, should not be the only determinative factor to entertain the petition.

3. This Court in **Bharat Nidhi Limited V. Securities and Exchange Board of India**¹ has held as under:

*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. Even otherwise, the Supreme Court in the case of **Kusum Ingots & Alloys Ltd. v. Union of India and Anr.**,² has unequivocally held that while the existence of even a fractional part of the cause of action within the territorial jurisdiction of a High Court may confer jurisdiction under Article 226 of the Constitution, the same does not *ipso facto* obligate the Court to exercise such jurisdiction. The Court emphasized that the discretionary nature of writ jurisdiction must be guided by the doctrine of *forum*

¹ 2023:DHC:9101

² (2004) 6 SCC 254.

Signature Not Verified

Signed By:AMIT KUMAR

SHARMA

Signing Date:20.02.2026

15:13:28

W.P.(C) 15143/2025

Signature Not Verified

Signed

By:PURUSHAINDRA

KUMAR KAURAV Page 2 of 3



conveniens, and where the material, essential, and integral components of the cause of action have arisen elsewhere, the High Court would be justified in declining to entertain the petition. 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] .]”

5. In the instant case, the material integral and essential cause of action has arisen outside the jurisdiction of this Court.

6. Accordingly, granting liberty to the petitioner to approach the jurisdictional High Court, the instant petition, along with pending application(s), if any, stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 12, 2026

aks/amg

Signature Not Verified

Signed By:AMIT KUMAR

SHARMA

Signing Date:20.02.2026

15:13:28

W.P.(C) 15143/2025

Signature Not Verified

Signed

By:PURUSHAINDRA

KUMAR KAURAV Page 3 of 3