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

\+ **W.P.(C) 2007/2026 & CM APPL. 9772/2026**

Date of decision: 12.02.2026

NATTURZ BIO KONTROL PRIVATE LIMITED
THROUGH MS. GITANJALI KASHYAP
ADMINISTRATIVE EXECUTIVE
R/O M-13, LGF, SOUTH EXTENSION,
PART 2, NEW DELHI-110049

.....Petitioner

(Through: Mr Pulkit Atal and Manoj Kumar Advocate. Mr Pulkit Atal and Manoj Kumar Advocate.)

versus

UNION OF INDIA
THROUGH SECRETARY,
MINISTRY OF FOOD PROCESSING
INDUSTRIES PANCHSHEEL BHAWAN,
AUGUST KRANTI MARG
KHELGAON, NEW DELHI-110049

.....Respondent

(Through: Mr. Vijay Joshi, CGSC, Ms. Rekha Singh, GP.)

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The present petition is filed impugning the action of the respondent, of forfeiting a bank guarantee dated 03.06.2023 furnished by the petitioner,

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in their favour, of Rs. 25,00,000/- (hereinafter "**said BG**").

2. The facts as stated by the petitioner are that the Ministry of Food Processing Industries, Government of India issued guidelines dated 08.06.2022 under Pradhan Mantri Kisan Sampada Yojana towards the Scheme for Creation/Expansion of Food Processing & Preservation Capacities (hereinafter "**CEFPPC**"/"**Unit Scheme**") for which applications from eligible entities were invited on 21.06.2022. Subsequently, petitioner submitted their application on 20.08.2022. The petitioner then received an approval letter by the respondent on 05.12.2022, whereby the petitioner's proposal for for grant-in-aid for setting up of a new unit for manufacturing of Soymilk and Tofu at Plot no. 15/6, Khasra No. 312, Himalayan Mega Food Park, Central Processing Center, Mahuakhera Ganj, Kashipur, Uttarakhand (hereinafter "**Uttarakhand Plant**") had been approved.

3. It is contended that in para. 8 of the Unit Scheme, it was prescribed that on being selected for financial assistance by the Ministry, the successful applicant shall submit a refundable bank guarantee (initially valid till 60 days beyond scheduled completion of the project which would be required to be extended till 60 days beyond revised completion of the project in case the project is delayed) for 5% of eligible grants-in-aid within 30 days of issue of approval letter by the Ministry.

4. In the present case, the petitioner contends that the Uttarakhand Project got delayed due to reasons beyond the control of the petitioner, which was duly informed to the respondent, *vide* various letters. Despite purported clarifications by the petitioner, it is alleged that the respondent *vide* letter dated 11.07.2024 cancelled the grant-in-aid for setting up of the Uttarakhand Plant under the Unit Scheme and also forfeited the Bank

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guarantee, which allegedly was not at all agreed upon or mentioned anywhere in the scheme /guidelines.

5. The petitioner in its letters dated 04.09.2023 and 12.09.2023 sent to the petitioner has explained the primary reasons for delay, them being:

> "*o Physical possession of Land was delayed due to some unavoidable reasons and clearance of Land possession was completed by April 2023.*
> *o Post Land possession heavy rainfall and water-logging the site the construction works could not started in scheduled time.*
> *o Due to research and development work undertaken in want of best quality products. With new innovations, the process technology has been customized, therefore, there is delay in finding competent vendors, developing of technology based on R&D outcomes and releasing purchase orders.*"

6. A perusal of the above-narrated facts reveal that the said BG was furnished in relation to the Uttarakhand Project, the forfeiture further took place owing to certain delays *qua* the said project, the action of forfeiture of the said BGs is assailed on grounds that the delay was owing to actions outside the control of the petitioner. Notably, the said actions, also appear to have taken place in Uttarakhand.

7. The sole reason to invoke the jurisdiction of this Court seems to be that the respondent i.e., the Union Ministry of Food Processing Industries is situated within the jurisdiction of this Court.

8. This Court in ***The Indure Pvt. Ltd. v. Government of NCT of Delhi***,[1] took note of the decisions in ***Shristi Udaipur Hotels v. Housing and Urban Development Corp.***,[2] ***Riddhima Singh v. Central Board of Secondary Education***,[3] ***Smt. Manjira Devi Ayurveda Medical College and Hospital v.***

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[1] 2026:DHC:1605.
[2] 2014 SCC OnLine Del 2892.
[3] 2023 SCC OnLine Del 7168.

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Uttarakhand University of Ayurveda and Ors.,[4] ***Michael Builders and Developers Pvt. Ltd. v. National Medical Commission and Ors.***,[5] which declare that the situs of the head office/registered office of the respondent, does not determine whether the Court has the requisite territorial jurisdiction to entertain a writ petition.

9. The Court in ***The Indure Pvt. Ltd.*** importantly noted, at para. 36:

> "***36.*** *A petitioner who approaches this Court to assail a decision of an 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.*"

10. On the issue of a claimant approaching this Court on the sole-ground of the respondent-authority, an arm of the union government, being situated within the jurisdiction of this Court, it was observed at para. 37-38:

> "***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*

[4] 2024:DHC:6903-DB
[5] 2024:DHC:7146.

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> *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 aforenoted 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.*"

11. Ultimately, the Court concluded that the substance of a matter must be adjudged, and not the unchanging constant which is present in every petition against a State-authority, to arrive at a conclusion on whether to entertain a petition in the context of territorial jurisdiction and *forum non conveniens*. At para. 42 this Court observed:

> "***42.*** *It is the substance of the matter which the Court must consider in determining the connection with Delhi. An order being passed by an authority in Delhi is an unchanging constant. This static/uniform facet, which is unmoved by the nature of the lis, ought not to determine where territorial jurisdiction would lie.*"

12. In the facts of the instant case, there may be a part of cause of action which has arisen in Delhi, however, the same should not be the sole reason to entertain the instant petition.

13. The Supreme Court in the case of ***Kusum Ingots & Alloys Ltd. v. Union of India and Anr.***,[6] has held 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

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may refuse to exercise its discretionary jurisdiction by invoking the doctrine of *forum conveniens*. The material portion of the aforenoted 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].]*"

14. In view of the above, the petition stands dismissed. Liberty is, however, granted in favour of the petitioner to approach the jurisdictional High Court to agitate the instant *lis*, if so advised.

15. All rights and contentions of the parties are left open.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 12, 2026/P/KSR

[6] (2004) 6 SCC 254.

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