



2026:DHC:1883



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13404/2024 and CM APPL. 56081/2024**

Date of decision: **27.02.2026**

IN THE MATTER OF:

STEEL AUTHORITY OF INDIA LIMITED (SAIL)

Having its Office at
Ispat Bhawan, Lodhi Road,
New Delhi-110003

.....Petitioner

(Through: Mr.Yashraj Singh Deora, Sr. Advocate with Mr Anand Varma, Ms Apoorva Pandey, Mr Polavarapu Sai Charan, Advocates.)

versus

1. UNION OF INDIA

Through the Joint Secretary,
Ministry of Mines, Shastri Bhawan,
New Delhi – 110001

.....Respondent No.1

2. STATE OF ODISHA

Through its Additional Chief Secretary,
Department of Steel and Mines,
Odisha Secretariat,
Bhubaneswar, Distt. Khorda.

.....Respondent No.2

3. DIRECTOR OF MINING & GEOLOGY, ODISHA

Head of Department Building,
Sachivalay Marg,
Bhubaneswar-751001, Odisha.

.....Respondent No.3

4. JOINT DIRECTOR OF MINES

Office of the Director of Mining & Geology, Odisha
Head of Department Building,
Sachivalay Marg,
Bhubaneswar-751001, Odisha.

.....Respondent No.4



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5. Deputy Director of Mines
Rourkela, Dist.Sundargarh,
Odisha – 769012

.....Respondent No.5

*(Through: Ms. Shiva Lakshmi (SPC) with Mr.Madhav Bajaj,
Advocate.*

*Mr.Shashank Bajpai Special Counsel, Ms.Aashna Mehra, Mr.Vatsal
Tripathi, Mr. Govind Singh Chauhan, Advocates.)*

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G E M E N T

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The instant petition is for the following reliefs:-

*“(i) Issue a writ, order or direction in the nature of certiorari to quash
the Impugned Order dated 06.05.2024 passed by the Revisionary
Authority; and/or*

*(ii) Issue a writ, order or direction restoring the Petitioner’s Revision
Application before the Revisionary Authority and directing to the
Revisionary Authority to consider afresh the same in accordance with
law; and/or*

*(iii) Pass any such or further order as this Hon’ble Court may deem fit in
the facts and circumstances of the case.”*

2. The petitioner seeks for setting aside of order dated 06.05.2024 passed by the respondent no.1 i.e. Union of India under Section 30 of the Mines & Minerals (Development and Regulation) Act, 1957 (*‘MMDR Act’*) and Rule 36 of Minerals (other than atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 (*‘Rules of 2016’*).

3. The dispute pertains to the petitioner’s rights under the mining lease with respect to Purnapuri Limestone and Dolomite Quarry situated in the



State of Odisha. It appears that the lease was executed in favour of the petitioner in the year 1960 and extended from time to time. *Vide* the impugned order, the petitioner's challenge to the demand order dated 25.01.2023 issued by the State of Odisha, towards shortage of quantity of limestone in dumping, has been rejected. The rejection was mainly on the ground that the revision was not maintainable in view of Section 23C(3) of the MMDR Act.

4. Mr. Yashraj Singh Deora, learned senior counsel appearing on behalf of the petitioner, while placing reliance on a decision of the Division Bench of this Court in the case of *Vishnu Security Services vs. Regional Provident Fund Commissioner*,¹ decisions of this Court in the case of *Alchemist Ltd. Vs. State Bank of Sikkim*,² and *Applle Alloys vs. UOI*,³ submits that in view of clear distinctions between the scheme of Article 226(3) and 227 of the Constitution of India, the principle governing the dispensation under Article 226 may not be applicable in cases where the challenge is essentially under Article 227 of the Constitution of India. He, therefore, distinguishes the judgment in the case of *Siddhartha S. Mookerjee v. Madhab Chand Mitter*⁴.

5. The aforesaid submissions made on behalf of the petitioner are strongly opposed by learned counsel for the respondents.

6. Learned counsel appearing on behalf of the respondents submits that the argument made herein, has been conclusively adjudicated by the Full Bench of this Court in the case of *M/s Sterling Agro Industries Ltd. v.*

¹ 2012 SCC OnLine Del 1024

² (2007) 11 SCC 335

³ 2018 SCC OnLine Del 11378

⁴ 2024 SCC OnLine SC 4285



Union of India.⁵ It is also submitted that the entire cause of action has arisen within the State of Odisha, mines are situated within the State of Odisha, shortage of quantity of limestone in dumping has taken place in Odisha and the consequential order of demand has been issued by the State of Odisha. It is merely the Revisional Authority is situated in Delhi, is the sole reason for the petitioner to invoke jurisdiction of this Court and therefore, this challenge would not be maintainable in view of the consistent positions taken by the Court.

7. The applicability of the doctrine of *forum conveniens* to orders passed by appellate authorities has been conclusively decided by a Full Bench of this Court in *M/s Sterling Agro Industries Ltd.* The said decision has also been relied upon by this Court in the case of *Indure Private Limited v. Government of NCT of Delhi*⁶. The relevant portion of the decision in *M/s Sterling Agro Industries Ltd.* is extracted as under:-

“34. The principle of forum conveniens in its ambit and sweep encapsulates the concept that a cause of action arising within the jurisdiction of the court would not itself constitute to be the determining factor compelling the court to entertain the matter. While exercising jurisdiction under articles 226 and 227 of the Constitution of India, the court cannot be totally oblivious of the concept of forum conveniens. The Full Bench in New India Assurance Co. Ltd. v. Union of India, AIR 2010 Delhi 43; (2011) 166 Comp Cas 87 (Delhi), has not kept in view the concept of forum conveniens and has expressed the view that if the appellate authority who has passed the order is situated in Delhi, then the Delhi High Court should be treated as the forum conveniens. We are unable to subscribe to the said view.

35. In view of the aforesaid analysis, we are inclined to modify the findings and conclusions of the Full Bench in New India Assurance Co. Ltd. v. Union of India, AIR 2010 Delhi 43; [2011] 166 C-C 87 (Delhi) and proceed to state our conclusions in seriatim as follows :

(a) The finding recorded by the Full Bench that the sole cause of action emerges at the place or location where the Tribunal/appellate

⁵ 2011 SCC OnLine Del 1385

⁶ 2023:DHC:1605



authority/revisional authority is situate and the said High Court (i.e., Delhi High Court) cannot decline to entertain the writ petition as that would amount to failure of the duty of the court cannot be accepted inasmuch as such a finding is totally based on the situs of the Tribunal/appellate authority/revisional authority totally ignoring the concept of forum conveniens.

(b) Even if a minuscule part of cause of action arises within the jurisdiction of this court, a writ petition would be maintainable before this court, however, the cause of action has to be understood as per the ratio laid down in the case of Alchemist Ltd. v. State Bank of Sikkim (2007) 136 C-C 665; (2007) 11 SCC 335.

(c) An order of the appellate authority constitutes a part of cause of action to make the writ petition maintainable in the High Court within whose jurisdiction the appellate authority is situated. Yet, the same may not be the singular factor to compel the High Court to decide the matter on merits. The High Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens.

(d) The conclusion that where the appellate or revisional authority is located constitutes the place of forum conveniens as stated in absolute terms by the Full Bench is not correct as it will vary from case to case and depend upon the lis in question.

(e) The finding that the court may refuse to exercise jurisdiction under article 226 if only the jurisdiction is invoked in a mala fide manner is too restricted/constricted as the exercise of the power under article 226 being discretionary cannot be limited or restricted to the ground of mala fide alone.

(f) While entertaining a writ petition, the doctrine of forum conveniens and the nature of cause of action are required to be scrutinised by the High Court depending upon the factual matrix of each case in view of what has been stated in Ambica Industries v. CCE(2007) 213 ELT 323; [2009] 20 VST 1 (S.C.) and Union of India v. Adani Exports Ltd.(2002) 1 SCC 567.

(g) The conclusion of the earlier decision of the Full Bench in New India Assurance Co. Ltd. v. Union of India, AIR 2010 Delhi 43; (2011) 166 C-C 87 (Delhi) (page 115): "... that since the original order merges into the appellate order, the place where the appellate authority is located is also forum conveniens" is not correct.

(h) Any decision of this court contrary to the conclusions enumerated hereinabove stands overruled."

8. In view of the aforesaid, it is seen that the impugned order is arising out of the demand notices raised by the Government of Odisha with respect to a mine in the State of Odisha. The integral, essential, and material part of



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the cause of action for the present petition, therefore, arose in the State of Odisha.

9. This Court in *M/s Sterling Agro Industries Ltd.* has disapproved the contrary view which was taken by the earlier Full Bench in the case of *New India Assurance Co. Ltd. v. Union of India.*⁷ The Court has held that the view in the case of *New India Assurance Limited* which was wholly based on the *situs* of the Tribunal/ Appellate Tribunal/Revisional Authority was passed without considering the concept of *forum conveniens*.

10. In view thereof, the instant petition deserves to be dismissed on the ground of territorial jurisdiction and on applying principle of *forum conveniens*. Accordingly, the petition stands dismissed along with the pending application.

11. Liberty is, however, granted to the petitioner to approach the jurisdictional High Court.

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

(PURUSHAINDR KUMAR KAURAV)
JUDGE

FEBRUARY 27, 2026

Nc/ksr

⁷ 2009 SCC OnLine Del 1764