



2026:DHC:2795



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

+ **W.P.(C) 3830/2026 & CM APPL. 18708/2026**

Date of Decision: **27.03.2026**

AVEENA MILK PRODUCTS

.....Petitioner

Through: Mr Arun Batta, Mr Abdul Wahid
Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Rajesh Kumar, SPC

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The petition is for setting aside the communication dated 04.12.2025 issued by the respondent, whereby, the petitioner has been informed that its case for release of third installment of grant-in-aid under the Integrated Cold Chain Project Scheme (Scheme) has been treated as 'closed'.
2. As per the case set up by the petitioner, in the year 2015, it had been sanctioned financial assistance of Rs. 10,00,00,000/- (Rupees Ten Crore only) by the respondent under the Scheme for setting up an integrated cold-chain project in the State of Uttarakhand. However, on 08.11.2019, the respondent issued communication declining the release of the third installment of the grant-in-aid.
3. The petitioner had assailed the said communication dated 08.11.2019



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before this Court in W.P. (C) 454/2020, and the same was disposed of *vide* order dated 06.03.2025, with directions to the respondent to grant an opportunity of hearing to the petitioner. Pursuant to the aforesaid directions, the respondent has proceeded to pass the impugned order dated 04.12.2025.

4. At the outset, it is seen that the impugned action and the relief sought by the petitioner is with respect to the petitioner's project in the State of Uttarakhand. In view thereof, on 25.03.2026, the petitioner was directed to justify the invocation of the jurisdiction of this Court.

5. Mr. Arun Batta, learned counsel appearing for the petitioner, submits that this Court has entertained the earlier writ petition assailing the communication dated 08.11.2019 and even issued directions to the respondent. Further, he submits that the exercise undertaken by the respondents pursuant to the directions in the said writ petition was in New Delhi.

6. On the aforesaid anvil, Mr. Arun Batta points out from the decision of the Supreme Court in the case of *Kusum Ingots & Alloys Ltd. v. Union of India and Anr.*,¹ that the term 'cause of action' is not defined in any statute and it has to be interpreted, *inter alia*, to mean every fact which, if traversed, would be necessary for the plaintiff to prove in order to support his prayer for relief. He also seeks to place reliance on paragraph 27 of the said decision to contend that the Court under whose jurisdiction the impugned order is passed, has the jurisdiction to entertain the writ petition. The passing of the impugned order forms a part of the cause of action.

7. The Court is in full agreement with learned counsel for the petitioner

¹ (2004) 6 SCC 254



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with respect to the submission that a part of cause of action has arisen within the jurisdiction of this Court.

8. However, the Supreme Court in *Kusum Ingots & Alloys Ltd* in paragraph 30, has held that even if a small part of cause of action arises within the territorial jurisdiction of a High Court, the same, by itself, may not 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*.

9. Learned counsel appearing for the petitioner submits that the entire cause of action has arisen before this Court. The Court is not persuaded with the said submissions.

10. The petitioner essentially seeks direction to release the third instalment of grant-in-aid under the Scheme. The petitioner's project for which the third instalment of grant-in-aid is sought for is admittedly situated within the State of Uttarakhand. When the impugned order is perused, it would indicate that the petitioner's project has been found to be not fulfil certain requirements of development in a phased manner.

11. Certain correspondence between the parties seems to have taken place with respect to the petitioner's claim for the third-installment. Necessarily, the said correspondence has to take place in Delhi, considering that the office of the respondent is situated in Delhi. It is seen that even in W.P. (C) 454/2020, no conclusive finding that the essential, substantial, and material part of the cause of action arose within the jurisdiction of this Court has been given.

12. This Court in the case of *Indure Pvt. Ltd. v. Government of NCT of*



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Delhi and Ors.,² has held that the *situs* of the parties may not be the sole determinative factor to compel the Court to entertain the writ petition.

13. If the petition is considered in the context of the underlying prayer which relates to the affirmation of the fact that the petitioner has complied with all terms and conditions in development of the project within the State of Uttarakhand, it would be clear that the essential, material, and integral part of the cause of action has arisen outside the jurisdiction of this Court. The passing of the impugned decision comprises a fraction of the cause of action.

14. As held by the Supreme Court in *Kusum Ingots & Alloys Ltd* and by this Court in *Indure Pvt. Ltd.*, the High Court, under Article 226 of the Constitution of India, may exercise its discretion not to entertain a writ petition when the essential, material and substantial part of the cause of action has arisen outside its jurisdiction.

15. For all these reasons, the Court is not inclined to entertain the instant petition.

16. Accordingly, reserving all rights and contentions of the parties and granting liberty to the petitioner to approach the jurisdictional High Court, the petition stands disposed of.

17. It be noted that the Court has not expressed any opinion on the merits of the case.

PURUSHAINDR KUMAR KAURAV, J

MARCH 27, 2026/p

² 2026:DHC:1605