



2025:DHC:9190



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

Decided on: 13.10.2025

+ W.P.(C) 4310/2025, CM APPLs. 19970/2025 & 32022/2025

SANDEEP KUMAR

.....Petitioner

Through: Mr. Durgesh Gupta, Advocate.

versus

UNION OF INDIA THROUGH ITS SECRETARY PETROLEUM
AND NATURAL GAS NEW DELHI AND ORSRespondents

Through: Mr. Piyush Gupta, CGSC Mr.
Atishay Jain, Mr. Ashish Rajput,
Mr. Jatin Sethi and Ms. Divya
Singh, Advocates.

Mr. Sanjay Pal, GP for UOI.

Ms. Raavi Birbal, Advocate for R-
2 to 4.

Mr. Siddhartha Mukherjee,
Intervener Applicant in person in
CM APPL. 32022/2025.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J (ORAL)

1. The petitioner has filed this writ petition under Article 226 of the Constitution, challenging orders of the Disciplinary Authority, Appellate Authority, and Reviewing Authority of the respondent – Hindustan Petroleum Corporation Ltd. [“HPCL”] dated 11.12.2023, 25.05.2024 and 28.01.2025 respectively. He also assails an order dated 06.03.2024, which withheld his gratuity.



2. On 08.10.2025, it was noted that a preliminary objection has been taken by the respondent in their counter affidavit, with regard to territorial jurisdiction. Paragraph 3 of the counter affidavit, to which reference was made in the said order, reads as follows:

“3. Without prejudice to the above, the Disciplinary Authority's Order dated 11/12/2023 was passed in the State of Uttar Pradesh falling under the territorial jurisdiction of Hon'ble High Court of Allahabad. Similarly, the Appellate Authority's Order dated 25/05/2024 and Reviewing Authority's Order dated 28/01/2025 were passed from the Head Quarter Office of the Corporation situated at Mumbai, falling under the territorial jurisdiction of Hon'ble High Court of Bombay. In fact, Petitioner was last working at Patna since the year 2021 and prior to the same he was in Mughalsarai, Uttar Pradesh. All these facts have been concealed by Petitioner. Therefore, as no part of the cause of action has arisen in Delhi, the present Writ Petition is liable to be dismissed at the threshold.”

3. No rejoinder has been filed. Mr. Durgesh Gupta, learned counsel for the petitioner, also accepts that the aforesaid factual averments are correct. However, Mr. Gupta submits that this Court has jurisdiction to entertain this writ petition on the ground that the petitioner's original appointment was in Delhi, and that HPCL is a public sector undertaking under the Government of India, Ministry of Petroleum and Natural Gas, which has its office in New Delhi.

4. In my view, these averments are insufficient to attract the jurisdiction of this Court. The prayers in the writ petition are directed against orders dated 11.12.2023, 25.05.2024, 28.01.2025 and 06.03.2024, none of which was issued within the jurisdiction of this Court. Although order dated 11.12.2023 has been challenged in the writ petition, it has not been annexed thereto. A copy of the said order has been produced by learned counsel for the parties, and is taken on record. It is undisputed



that order dated 11.12.2023 issued by the Disciplinary Authority was passed in Lucknow, and order dated 25.05.2024 issued by the Appellate Authority, as well as order dated 28.01.2025 issued by the Reviewing Authority, were both passed in Mumbai. The Registered Office of HPCL is also located in Mumbai.

5. The status of HPCL as a public sector undertaking under the Government of India also does not persuade me to a contrary conclusion. Such a proposition would vest this Court with authority over any action of any Central Public Sector Undertaking taken anywhere in the country.

6. The fact that the petitioner's original appointment was in New Delhi does not make it appropriate for this Court to entertain a writ petition under Article 226 of the Constitution. The petitioner's original appointment is not a part of the bundle of facts, which constitutes the cause of action in the present petition challenging his termination.

7. In any event, even if any part of the cause of action has arisen in New Delhi by reason of the petitioner's original appointment, that is an insignificant part of the cause of action, and it would still be inappropriate to entertain this writ petition in this Court, on the doctrine of *forum non conveniens*. This principle has been considered by a five-judge Bench of this Court in *Sterling Agro Industries Ltd. v. Union of India & Ors.* [2011 SCC OnLine Del 3162], wherein the Court has recorded the following conclusions:-

“35. In view of the aforesaid analysis, we are inclined to modify the findings and conclusions of the Full Bench in New India Assurance Company Limited, 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



authority/revisonal 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/revisonal authority totally ignoring the concept of forum conveniens.

(b) **Even if a miniscule 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 revisonal 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 Company Limited*, 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."

[Emphasis supplied.]

8. Mr. Gupta also drew my attention to an order of this Court dated 09.09.2024 in W.P.(C) 12618/2024, an earlier writ petition filed by the



petitioner, and the consequent order of the Union of India dated 14.10.2024, which he states was passed in New Delhi. It may be noted that HPCL was not represented before this Court when the order dated 09.09.2024 was passed. The Court noted the submission on behalf of the petitioner that there was no provision for making a representation to Union of India under the applicable rules, but directed Union of India to take a decision on his representation. It was also clearly noted in the said decision taken by the Union of India, that it was not designated in respect of disciplinary proceedings of employees of HPCL as the Disciplinary Authority, Appellate Authority or the Reviewing Authority, all of whom were within HPCL itself. The representation was therefore disposed of, relegating the petitioner to his remedies of review. The said decision dated 14.10.2024 has not been challenged in this writ petition.

9. Upon consideration of the aforesaid material, I am of the view that no part of the cause of action in the present case has arisen within the jurisdiction of this Court, and that, even otherwise, the writ petition is liable to be dismissed on the basis of *forum non conveniens*.

10. The writ petition is therefore dismissed, leaving it open to the petitioner to invoke his remedies before the appropriate Court in respect of the same cause of action. All pending applications also stand disposed of.

PRATEEK JALAN, J

OCTOBER 13, 2025
SS/PV/AD/