

(2005) 09 DEL CK 0163

In the Delhi High Court

Case No : Writ Petition (C) 14687 of 2005

Rattan Singh and Sons

APPELLANT

Vs

Indian Oil Corporation Ltd. and Another

RESPONDENT

Date of Decision : 05-09-2005

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 20

Citation : (2005) 09 DEL CK 0163

Hon'ble Judges : Vikramajit Sen, J

Bench : Single Bench

Advocate : Anusuya Salwan, for the Appellant; M.M. Kalra, for the Respondent

Final Decision : Dismissed

Judgement

Vikramajit Sen, J.—This Court had the occasion to reflect upon the question of exercise of the territorial jurisdiction of High Courts in *Indo Gulf Industries Ltd. Vs. U.P. State Industries Development Corpn. and Others*, . The Opinion of the Hon"ble Supreme Court in *Oil and Natural Gas Commission Vs. Utpal Kumar Basu and Others*, , *Bhagwandas Goverdhandas Kedia Vs. Girdharilal Parshottamdas and Co. and Others*, and *A.B.C. Laminart Pvt. Ltd. and Another Vs. A.P. Agencies, Salem*, had been applied. The view of the Division Bench in *Sector Twenty-one owners Welfare Association (STOWFA) Vs. Air Force Naval Housing Board*, had also been considered. No doubt these were in the context of Section 20 of the Code of Civil Procedure, 1908 but that would make no appreciable difference. A reading of these decisions, however, will show that even in respect of writ petitions the place where the cause of action arises in the principal and most prominent and relevant manner would determine which High Court should exercise territorial jurisdiction. This question has been considered in detail by the Hon"ble Supreme Court in *Union of India and Others Vs. Adani Exports Ltd. and Another*, . In its opinion, "each and every fact pleaded in the application does not ipso facto lead to the conclusion that those facts give rise to a cause of action within the Court's territorial jurisdiction unless those facts pleaded are such

which have a nexus or relevance with the lis that is involved in the case. Facts which have no bearing with the lis or the dispute involved in the case do not give rise to a cause of action so as to confer territorial jurisdiction on the Court concerned".

2. Reverting to the factual matrix of the case in hand, it will be relevant to note that the events which have led firstly to placing the Petitioner in the "Holiday List" and thereafter to its removal from the list of approved Vendors/Contractors for a period of three years, occurred in the State of Uttar Pradesh. The Work Order was issued from Lucknow. It is not relevant, Therefore, that the Petitioner could have been awarded Work in other States of the country, including Delhi. It would not be appropriate for this Court to exercise territorial jurisdiction in the matter.

3. The writ petition is rejected on this ground, without prejudice to the Petitioner's right to agitate these very grievances before any other Court possessing territorial jurisdiction.