

CS (COMM) 40/25

AARK PHARMACEUTICALS Vs. HEDWELL PHARMA

06.02.2025

File taken up today as 05.02.2025 was declared holiday on account of General Elections 2025.

Present: Counsel for plaintiff, Sh. Aakash and Sh. Prashant Bhargava has joined through VC.

Perusal of the record reveals that the invoices were raised at Kolkata by plaintiff upon the defendant, who is also located at Kolkata.

It is submitted by Ld. Counsel for plaintiff that plaintiff has its registered office within territorial jurisdiction of this Court and it was also mentioned in the invoices that jurisdiction shall be with Delhi Court.

For the absence of any part of cause of action arising within the territorial jurisdiction of this Court, location of registered office of the plaintiff does not grant territorial jurisdiction to file the case as well as the unilateral mention in the invoices also does not account for the purpose of territorial jurisdiction.

Counsel for plaintiff seeks some time to address further arguments on the aspect of territorial jurisdiction. On his submission, be put up on **13.02.2025**.

(Savita Rao)
District Judge (Commercial Court)-01
(South)/Saket Courts,
New Delhi/06.02.2025