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

+ **W.P.(C) 9305/2025**

NTPC LIMITED

.....Petitioner

Through: Mr. Puneet Taneja Sr. Adv. Mr. Adarsh Tripathi, Adv. Mr. Vikram Singh Baid, Adv. Mr. Ajitesh Garg, Advocates .

versus

UNION OF INDIA, THROUGH MINISTRY OF COAL

.....Respondent

Through: Mr. Malak Bhatt, Ms. Neeha Nagpal, Mr. Shreyansh Chopra, Adv. Mr. Shikhar Srivastava, Advocate for R-4/ CMPDIL.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 25.02.2026

1. The petitioner seems to have approached this Court solely on the ground that the deliberation, decision etc. has taken place at Delhi.
2. It be noted that the mine in question is situated at Orissa. The Court in the case of the ***Indure Private Limited vs. Government of NCT of Delhi and Ors.***¹ , has discussed various aspects of invocation of the jurisdiction of this Court. It has been held that mere fact that registered office of the petitioner or head office of the corporation, respondent etc. will not

¹ 2026:DHC:1605



determine the jurisdiction of the Court. The Court has held that merely because the decision making authority happens to be in Delhi ought not to be the sole reason to entertain the *lis* by this Court. The paragraph nos. 37, 38 and 39 of the ***Indure Private Limited*** are extracted as under:

“37. Naturally, being the capital of the Country, various authorities and bodies having pan-India jurisdiction would be located within the jurisdiction of this Court. Merely because the decision making authority happens to be in Delhi, ought not to be the sole reason to entertain a *lis* in this Court. The decision, no doubt, may be passed in the national capital, but it is usually against persons situated outside Delhi; and even more importantly, for actions which took place beyond the borders of this Court. The act of giving a hearing in Delhi, or the passing of an order in Delhi, is merely a result of a body/authority being situated in the national capital, it has nothing to do with the *lis*, the offending action, the legal injury or the foundational facts on the basis of which action is being taken.

38. The case-law cited above, makes repeated reference to “dominant facts”, and facts which are “material, essential and integral” to the *lis* in question. In most cases, the fact that the order is passed, or the head office is located, or that opportunity of hearing was afforded, within the jurisdiction of this Court is completely immaterial, non-essential, and non-integral to the dispute in question. Any of the aforementioned three aspects could very well have taken place in another part of the Country, it is for the sole reason that Delhi is the national capital, that, in most cases these factors get connected to the jurisdiction of this Court. From another lens, it may be seen that regardless of what the underlying facts or legal injury/infringement may be, the order impugned would, in an overwhelming number of cases be passed from Delhi. If this be the case, can this constant factum, which shall remain present in each case, be considered a “dominant fact” or a “material, essential and integral” fact? The answer must be in the negative.

39. The scheme of the Constitution empowers every High Court to pass directions against any authority situated throughout the territory of India, if the cause of action wholly or in part arises within its territorial jurisdiction. If this Court were to routinely exercise jurisdiction solely on the ground that the order or notification being assailed has been passed in Delhi, or that the opportunity of hearing was given at the national capital, then the extraordinary power conferred upon different High Courts would be rendered nugatory and otiose. The purpose of conferring the aforementioned power on each and every High Court would stand defeated.”

3. In the instant case all decisions etc. relate to the mine which is



situated outside the jurisdiction of this Court. Learned senior counsel for the petitioner prays for time to take instructions and to assist the Court.

4. Acceding to the aforesaid request, list on 17.03.2026.

PURUSHAINdra KUMAR KAURAV, J

FEBRUARY 25, 2026

aks/ss