

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
(ARISING OUT OF SLP (CIVIL) NO. 1671 OF 2026)

UETA, INC. & ORS.

APPELLANT(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. The short question that arises for consideration is whether, in the peculiar facts and circumstances of this case, the writ petition filed before the High Court of Delhi ought to have been entertained or that the Division Bench of the High Court has rightly dismissed the same for want of territorial jurisdiction, thereby relegating the appellant to approach the High Court of Judicature at Allahabad.

3. The controversy pertains to the setting up of development, operation, maintenance and management of duty-free outlets and retail outlets at the Noida International Airport, Jewar, Uttar Pradesh. The appellant was one of the bidders and its bid, having been rejected, approached the High Court through a writ petition, which has been dismissed, as noticed above, on the ground of want of jurisdiction.

4. We have heard learned senior counsel for the parties at considerable length.

5. It is well settled and calls for no detailed discussion that mere conferment of jurisdiction on a Court, including the High Court, through an agreement between the parties, *per se*, will not confer jurisdiction. In matters of maintainability of writ petitions, the jurisdictional competence of the High Court has to be traced out within the contours of Article 226(2) of the Constitution, which reads as under:

"Article 226(2). The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories."

6. It may, thus, be seen that the High Court where the cause of action has arisen, even in part, is also competent to entertain the writ petition under Article 226 of the Constitution. In the instant case, we find that the corporate office of the Yamuna International Airport Private Limited is admittedly located in Delhi. We can safely infer that all the officers who are involved in the decision-making process also sit in the corporate office in Delhi. It seems to us that the decision to issue the LOIA and eventually to accept or reject the bids must have been taken by the senior functionaries of the Yamuna International Airport Private Limited, who, as noticed above, ordinarily sit in their corporate office.

7. Assuming that these facts are partly incorrect, yet it is not a case where one can say that no part of the cause of action ever

arose within the territorial jurisdiction of the Delhi High Court.

8. While we outrightly reject the claim of the appellant based upon the recital in the LOIA that the Delhi Courts will have jurisdiction, it seems to us that, because of some vagueness created by the overlapping facts, it is not a case where the jurisdiction of the Delhi High Court can be wholly ousted.

9. We, therefore, in the peculiar facts and circumstances of this case, especially when the writ petition remained pending before the High Court for a substantial period, it makes out a fit case to invoke our power under Article 142 of the Constitution. Accordingly, we allow the appeal in part, set aside the impugned judgment dated 17.12.2025 and request the High Court to proceed with the decision of the Writ Petition (Civil) No.8049 of 2024, including any other connected writ petitions or applications on merits, after hearing learned counsel for the parties.

10. It is clarified that this order shall not be construed to mean that, in every case where respondent Nos. 4, 5 or any other contesting respondents issue a tender and/or enter into any contractual obligation, jurisdiction would automatically vest in the Courts at Delhi, including the High Court, merely because of such issuance or even by virtue of any written agreement to that effect, especially when the tender was floated and all subsequent activities were undertaken in Noida or at any place outside Delhi. The question of territorial jurisdiction, thus, will essentially depend upon the facts and circumstances of each case; this order

shall not be a binding precedent to be followed in other matters.

We request the High Court to decide the petition expeditiously.

.....CJI
(SURYA KANT)

.....J.
(R. MAHADEVAN)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
JANUARY 27, 2026.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 1671/2026

[Arising out of impugned judgment and order dated 17-12-2025 in WP(C) No. 8049/2024 passed by the High Court of Delhi at New Delhi]

UETA, INC. & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 10554/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 13316/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 27-01-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R. MAHADEVAN
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Mr. Mukul Rohatgi, Sr. Adv.
Mr. Arunabh Chowdhury, Sr. Adv.
Mr. Abhay Jadeja, Adv.
Ms. Dhanyashree Jadeja, Adv.
Mr. Varun Satiya, Adv.
Ms. Urvi Gulecha, Adv.
Mr. Karma Dorjee, Adv.
Ms. Samten Doma Lachungpa, AOR

For Respondent(s) : Mr. Amar Dave, Sr. Adv.
Ms. Saman Ahsan, Adv.
Ms. Srijata Majumdar, Adv.
Mr. Yashwant Gaggar, Adv.
Mr. Rahul Sangwan, Adv.
M/s Khaitan & Co., AOR

Mr. Dr Abhishek Manu Singhvi, Sr. Adv.
Mr. Milanka Choudhury, Adv.
Ms. Ashly Cherian, Adv.
Ms. Amishi, Adv.
M/s Trilegal Advocates On Record, AOR

Mr. Amar Gupta, Adv.
Mr. Divyam Agarwal, AOR
Mr. Mohit Sharma, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in part in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed order is placed on the file)