2026:DHC:7810

$~

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

% *Judgment reserved on: 07.09.2026*
Judgment pronounced on: 14.09.2026
Judgment uploaded on: 14.09.2026

\# **CNR No. DLHC010410092026**

\+ **W.P.(C) 12664/2026 & CM APPL. 58858/2026**

P B AGRO LLP .....Petitioner

Through: Mr. Dayan Krishnan and Mr. Mohit Mathur, Senior Advocates with Dr. Seema Jain, Mr. Ajay K. Jain, Mr. Dushyant K. Mahant, Ms. Shivani G. Mahant, Mr. Ripudaman Sharma, Mr. Harish C. Suri, Ms. Radhika Yadav, Mr. Shreedhar Kale and Mr. Vignesh Ramanathan, Advocates

versus

UNION OF INDIA AND ORS. .....Respondents

Through: Mr. Chetan Sharma, ASG with Ms. Rukhmini Bobde, CGSC, Mr. Vinay Koushik, GP, Mr. Vinayak Aren and Ms. Aishwarya Nigam, Advocates for Respondent No. 1 and 4.
Mr. Rakesh Chaudhary and Mr. Jay Sharma, Advocates for R-2/FSSAI
Mr. Shubham Gill, Officer - R-4

www.taxcode.in

2026:DHC:7810

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J

1. The petitioner, P.B. Agro LLP, seeks to invoke the writ jurisdiction of this Court, *inter alia*, seeking quashing of the Show Cause Notice dated 11.08.2026 [hereafter '**impugned notice**'], as well as direction to the respondents to restrain from taking any coercive action against the petitioner and/or its brand ambassadors for alleged non-compliance with the impugned notice.

INTRODUCTION

2. The petitioner states that it is a limited partnership, and is the Master Licensee for manufacture and sale of Elaichi, and Pan Masala not containing tobacco, under the brand 'VIMAL' in accordance with all statutory requirements including but not limited to under the Food Safety and Standards Act, 2006 [hereafter '**FSS Act**'], and the regulations framed thereunder.

3. Respondent no. 1 is the Union of India through the Ministry of Health and Family Welfare [hereafter '**the Ministry**']; respondent no. 2 is Food and Drug Administration, Food Safety and Standards Authority of India, Delhi [hereafter '**FSSAI**']; respondent no. 3 is Assistant Commissioner (Food), Food and Drug Administration, Greater Mumbai Division, Mumbai, Maharashtra [hereafter '**FDA, Mumbai**']; and respondent no. 4 is Central Consumer Protection

www.taxcode.in



Authority, Delhi [hereafter '**CCPA**'].

4. It is the petitioner's case that, in the course of promoting its cardamom (elaichi) product under the brand name 'VIMAL', it has, from time to time, engaged reputed actors as brand ambassadors. For this purpose, the petitioner enters into formal brand endorsement agreements governing the terms and conditions of their engagement and the manner in which the advertising campaigns are to be undertaken. Under these agreements, the petitioner specifically undertakes that the advertising campaigns shall comply with all applicable statutory and regulatory requirements. It is further stated that the agreements record the petitioner's representations and assurances that the cardamom product is fit for consumption and that the advertising campaigns shall not be misleading or contain any misrepresentation concerning the product or its features, efficacy, quality or other attributes. The brand ambassadors agree to render their services on the basis of the representations and assurances furnished by the petitioner concerning the quality, credibility and reputation of the petitioner and the product, as well as the petitioner's representation regarding compliance with the applicable laws.

5. *Primary grievance of the petitioner* is that it recently learnt, through media reports, that FSSAI – through FDA, Mumbai – had issued the impugned notice to the petitioners' brand ambassadors in relation to the advertising campaign concerning the petitioner's product. The petitioner states that, although the impugned notice

www.taxcode.in

concerns the advertising campaign undertaken in respect of the petitioner's product, neither has any notice been issued to the petitioner nor has it been afforded any opportunity of hearing.

6. Aggrieved thereby, the present writ petition has been filed by the petitioner, assailing the impugned notice on several grounds.

SUBMISSIONS BEFORE THE COURT

7. At the outset, the issue of maintainability of the present writ petition, on account of lack of territorial jurisdiction of this Court, was raised on behalf of the respondents. Accordingly, arguments were heard by this Court, on the said aspect, on behalf of the petitioner as well as the respondents.

8. The learned senior counsel appearing for the petitioner argued that the present writ petition is maintainable before this Court, both in terms of Article 226(1) and 226(2) of the Constitution of India. It was argued that the petitioner has approached this Court against the Ministry of Health and Family Welfare, which was the administrative Ministry under which FSSAI had been established, and FSSAI, which was the apex authority under the FSS Act and was situated in New Delhi. It was further submitted that FDA, Mumbai, was under the overall supervision of FSSAI. Accordingly, it was contended that this Court had jurisdiction under Article 226(1), as the petition was directed, *inter alia*, against an authority situated within the territorial jurisdiction of this Court. The learned senior counsel further argued that a substantial part of the cause of action had arisen in Delhi,

thereby conferring jurisdiction on this Court under Article 226(2) of the Constitution of India. It was submitted that the petitioner carried on business only from Delhi, the advertising campaign was managed and operated from Delhi, payments to the brand ambassadors were made from Delhi, and the impugned notice affected the petitioner's business in Delhi, with the entire injury being suffered in Delhi.

9. In support of the aforesaid submissions, reliance was placed on the decision of the Hon'ble Supreme Court in ***Bakshish Ahmad v. Union of India and Ors.:*** *2026 INSC 630*. It was argued that, under the FSS Act, FSSAI, Delhi, was the apex authority established under Section 4, and the Commissioners of Food Safety appointed in various States were bound to act under its directions in terms of Section 16(5). It was further submitted that the impugned notice issued by FDA, Mumbai, had also been marked to the CEO, FSSAI, in Delhi. On this basis, it was contended that the present petition was maintainable before this Court under Article 226(1). As regards Article 226(2), the learned senior counsel placed reliance, *inter alia*, on the decision of the Hon'ble Supreme Court in ***Nawal Kishore Sharma v. Union of India:*** *(2014) 9 SCC 329*. It was argued that, in the present case, although the impugned notice had not been formally issued to the petitioner, the directions contained therein were effectively against the petitioner and its business. It was submitted that the directions requiring the brand ambassadors to immediately take down the advertisements from platforms within their control, and not to provide any assistance or cooperation in disseminating the

same in any form, effectively amounted to a direction to remove and a ban on the petitioner's advertisements. It was further contended that the direction requiring the sponsors to produce documentary information establishing that VIMAL Elaichi was an independent product actually available for sale in the market could, in substance, be complied with only by the petitioner. On this basis, it was argued that the impugned notice had been issued without affording the petitioner any opportunity of hearing, despite the directions contained therein being effectively against it, and that such directions could not have been passed without first issuing a show cause notice to the petitioner. Therefore, it was submitted that the impugned notice was, in substance, as good as a notice issued to the petitioner in Delhi, and a substantial part of the cause of action could consequently be said to have arisen in Delhi.

10. The learned senior counsel for the petitioner also contended that CCPA, which was the jurisdictional authority in respect of surrogate advertising under the Consumer Protection Act, 2019 [hereafter '**CPA, 2019**'], was situated in New Delhi and was already seized of the matter. It was argued that the impugned notice invoked the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022, which dealt with surrogate advertising and had been issued by CCPA under Section 18 of the Consumer Protection Act, 2019. It was submitted that the said provision required CCPA to ensure that no false or misleading advertisement was made and empowered it to issue

guidelines to prevent unfair trade practices and protect the interests of consumers. It was further submitted that CCPA, situated at Krishi Bhawan, New Delhi, had already issued a show cause notice to the petitioner in respect of the same issue. It was also pointed out that the impugned notice had been marked to CCPA at New Delhi. On this basis, it was contended that the present writ petition was maintainable before this Court under both Article 226(1) and Article 226(2) of the Constitution of India.

11. The learned senior counsel argued that the impugned notice was wholly without jurisdiction, as the provisions invoked therein had no application to the petitioner's case and respondent no. 3 had no authority to issue directions for taking down the advertisements. It was further submitted that the issue of surrogate advertising was already being examined by CCPA, which had also issued a show cause notice to the petitioner. Accordingly, it was contended that the impugned notice was liable to be quashed for want of jurisdiction.

12. *Conversely*, the learned CGSC appearing for the respondent nos. 1 and 4, i.e. the Ministry and the CCPA, argued that the present petition was liable to be dismissed at the threshold, being non-maintainable for want of territorial jurisdiction. It was submitted that neither Article 226(1) nor Article 226(2) of the Constitution was attracted in the present case. The learned CGSC contended that respondent no. 1/Ministry had no role in the issuance of the impugned notice, and neither any substantive relief had been sought

against the Ministry or even against respondent no. 4/CCPA. It was argued that the mere fact that the petitioner was based in Delhi could not confer territorial jurisdiction upon this Court, particularly when the impugned notice had been issued by respondent no. 3, i.e. the FDA, Mumbai, under the Government of Maharashtra. Attention was drawn to the heading of the impugned notice, which specifically referred to the Government of Maharashtra and the Food and Drug Administration, Maharashtra State, Mumbai. It was submitted that the State of Maharashtra, which was the principal authority responsible for issuance of the impugned notice, was not even before this Court to defend the same.

13. The learned CGSC further drew attention to Section 30 of the FSS Act, to contend that certain functions under the said enactment were to be performed by the Commissioner of Food Safety of the concerned State. It was also submitted that the impugned notice had been issued exclusively to three brand ambassadors of VIMAL Elaichi, all of whom were residents of Mumbai, and none of them had instituted any proceedings challenging the said notice. As regards respondent no. 4, it was argued that the CCPA is conducting its own proceedings and that the present challenge did not, in substance, relate to any action taken by it. Accordingly, it was contended that this Court had neither territorial jurisdiction nor was it the *forum conveniens* for adjudication of the present petition.

14. The learned counsel appearing for respondent no. 2/FSSAI also

argued that the impugned notice had been issued by FDA, Mumbai, Maharashtra, and that the mere location of the petitioner's office or that of the apex body i.e. FSSAI in Delhi could not confer territorial jurisdiction upon this Court.

15. This Court has **heard** and considered the arguments addressed on behalf of the petitioner as well as the respondents alongwith the material placed on record.

ANALYSIS & FINDINGS

16. The principal issue which arises for consideration is – whether this Court can exercise its writ jurisdiction under Article 226 of the Constitution in respect of the impugned show cause notice issued by the FDA, Mumbai, merely because the petitioner is based in Delhi and some of the authorities impleaded in the writ petition as respondents, i.e. the Ministry, FSSAI and CCPA, are located in Delhi.

17. In the present case, the following facts are not in dispute:

a) The impugned show cause notice has been issued by respondent no. 3, i.e. Assistant Commissioner (Food), Food and Drug Administration, Greater Mumbai Division, Mumbai, Maharashtra

b) The impugned notice itself bears the heading 'Government of Maharashtra, Food and Drug Administration, Food and Drug Administration, Maharashtra State, Mumbai'.

c) The impugned notice has been issued to three brand

www.taxcode.in

ambassadors of the petitioner's product, VIMAL Elaichi.

d) The said three noticees are residents of Mumbai, Maharashtra.

e) None of the said brand ambassadors has challenged the impugned notice before this Court.

f) The petitioner, which is based in Delhi and had engaged the said brand ambassadors, has instituted the present proceedings, although no show cause notice has been issued to it.

18. Clearly, a perusal of the impugned notice shows that it has been issued by FDA, Mumbai, in the claimed exercise of the powers available to the State food safety authorities under the FSS Act. At this stage, there is no direction, command, communication, order or other material placed before the Court to show that respondent no. 2/FSSAI, as the apex statutory body under the FSS Act, had directed FDA, Mumbai to issue the impugned notice or to initiate any particular action against the brand ambassadors engaged by the petitioner. Thus, the material available before the Court indicates that the impugned notice is an action independently initiated by the FDA, Mumbai, Government of Maharashtra, on the basis of its own assessment of the relevant facts and in the claimed exercise of its statutory powers. The mere fact that FSSAI is the apex body under the enactment, or that it is situated in Delhi, cannot alter the source or character of the show cause notice impugned in the present petition.

19. Furthermore, the impugned notice appears to have been issued by respondent no. 3 with reference to the provisions relating to restrictions on advertisements and prohibition of unfair trade practices under Section 24 of the FSS Act. The respondent no. 3 has also referred to the statutory position concerning the prohibition of pan masala in the State of Maharashtra under Section 30(2)(a) of the said Act. Whether the said provisions were correctly invoked, whether the notice is otherwise sustainable, and whether the petitioner has a valid defence on merits are matters which may arise for consideration in appropriate proceedings. At the present stage, however, these aspects only reveal that the subject matter of the impugned action is located in Maharashtra, inasmuch as the alleged prohibited activity, the regulatory action, the authority issuing the notice and the persons to whom the notice was addressed are all connected with the State of Maharashtra. As observed above, there is no material on record or no pleading to the effect that the impugned notice was issued pursuant to any decision taken by any authority situated in Delhi.

20. The nature of the reliefs sought by the petitioner are also required to be considered, for adjudicating the issue in question. It is noted that the principal relief sought in the writ petition is the quashing of the impugned notice – issued by respondent no. 3, i.e. FDA, Mumbai. The petitioner has further sought a direction restraining the '*respondents*' from taking coercive action for alleged non-compliance with the impugned notice. However, in substance,

the reliefs are directed against the notice issued by FDA, Mumbai, and that any action for alleged non-compliance with that notice, if at all warranted, would necessarily have to be considered and taken by the authority which issued it, i.e., respondent no. 3/FDA, Mumbai. The petitioner has not pointed out any independent order, direction or decision of the Ministry or FSSAI which is under challenge in the present petition. In the considered opinion of this Court, the mere impleadment of the Ministry or FSSAI, without any specific relief being sought against them and without any impugned action attributable to them, cannot confer territorial jurisdiction upon this Court, which otherwise does not exist.

21. The petitioner has principally relied upon the fact that it is based in Delhi and that the advertising campaign was allegedly conceived, managed or paid for from Delhi. In the opinion of this Court, these facts, by themselves, do not constitute a part of the cause of action in the present case. To note at the cost of repetition, the impugned notice is not addressed to the petitioner herein. The petitioner has not been called upon to submit any reply to respondent no. 3. No direction, as yet, has been issued to the petitioner to remove any advertisement, produce any document, discontinue any activity or appear before the FDA, Mumbai or any other authority either in Maharashtra or Delhi. The impugned notice has been issued to three brand ambassadors engaged by the petitioner, all of whom are residents of Mumbai.

22. It is well-settled that the expression "cause of action" refers to the bundle of material facts which the petitioner must establish to obtain the relief claimed. A fact which is merely incidental, collateral or remote, and which has no real bearing upon the *lis*, cannot be treated as a part of the cause of action for conferring territorial jurisdiction. The pleadings have to be examined in substance and not merely by accepting the form in which the petitioner chooses to present them. Moreover, a petitioner cannot be permitted to create territorial jurisdiction by referring to facts which do not have any nexus with the impugned action. The Hon'ble Supreme Court in ***Alchemist Ltd. v. State Bank of Sikkim:*** *(2007) 11 SCC 335*, held that not every fact pleaded constitutes a part of the cause of action, and the Court must consider whether such fact constitutes a material, essential or integral part of the cause of action. The relevant observations are as under:

> "37. From the aforesaid discussion and keeping in view the ratio laid down in a catena of decisions by this Court, it is clear that for the purpose of deciding whether facts averred by the appellant-petitioner would or would not constitute a part of cause of action, one has to consider whether such fact constitutes a material, essential, or integral part of the cause of action. It is no doubt true that even if a small fraction of the cause of action arises within the jurisdiction of the court, the court would have territorial jurisdiction to entertain the suit/petition. Nevertheless it must be a "part of cause of action", nothing less than that…"

23. The mere fact that the petitioner is incorporated, carries on business or maintains an office in Delhi cannot mean that every regulatory action taken against its product by an authority in another

www.taxcode.in

State becomes amenable to the jurisdiction of this Court. If such a principle were accepted, a company carrying on business throughout the country could challenge every order or notice issued by a State authority before the High Court within whose jurisdiction its registered office or principal place of business is situated, irrespective of the place of issuance of the order, the authority issuing it, the persons affected by it or the subject matter of the proceedings.

24. In ***Oil and Natural Gas Commission v. Utpal Kumar Basu:*** *(1994) 4 SCC 711*, the Hon'ble Supreme Court held that the mere fact that the petitioner learnt of the tender through a newspaper published in Calcutta, submitted its tender and revised price bid from Calcutta, maintained an office there, or made representations and received communications there, did not confer territorial jurisdiction upon the Calcutta High Court. Such facts were merely incidental and had no direct nexus with the impugned action. The Supreme Court further held that even service of notice at a particular place would not constitute a part of the cause of action unless such notice formed an integral part of the cause of action.

25. In ***Aligarh Muslim University v. Vinay Engineering Enterprises (P) Ltd.:*** *(1994) 4 SCC 710*, Three-Judge Bench of the Hon'ble Supreme Court held as under

> "2. We are surprised, not a little, that the High Court of Calcutta should have exercised jurisdiction in a case where it had absolutely no jurisdiction. The contracts in question were executed at Aligarh, the construction work was to be carried out at Aligarh, even the contracts provided that in the event of

> dispute the Aligarh Court alone will have jurisdiction. The arbitrator was from Aligarh and was to function there. **Merely because the respondent was a Calcutta-based firm, the High Court of Calcutta seems to have exercised jurisdiction where it had none by adopting a queer line of reasoning.** We are constrained to say that this is a case of abuse of Jurisdiction and we feel that the respondent deliberately moved the Calcutta High Court ignoring the fact that no part of the cause of action had arisen within the jurisdiction of that Court. It clearly shows that the litigation filed in the Calcutta High Court was thoroughly unsustainable."
>
> (emphasis added)

26. Further, in ***State of Rajasthan v. Swaika Properties:*** *(1985) 3 SCC 217* also, the Hon'ble Supreme Court held that the location of the petitioners or their office is not relevant to determine whether a Court has territorial jurisdiction to entertain a petition.

27. The petitioner has also attempted to invoke the jurisdiction of this Court by referring to the alleged injury caused to it. This contention, too, does not assist the petitioner at this stage. In this Court's view, the impugned notice is only a show cause notice, and no order pursuant thereto has been passed by respondent no. 3. Indeed, the petitioner has not even been served with a show cause notice requiring it to submit a reply. The alleged injury is therefore, at present, founded substantially on the petitioner's apprehension regarding the possible consequences of the impugned notice issued to the brand ambassadors. Such apprehension cannot, by itself, be treated as a completed or substantial cause of action arising in Delhi, since the mere issuance of show cause notice, by the authorities situated in Mumbai, to the persons residing in Mumbai, cannot be

characterised as causing grave or actionable injury to the petitioner in Delhi, particularly when the petitioner has not been called upon to do anything and no order has been passed against it.

28. It is also pertinent to note that the three persons to whom the impugned notice was issued have not approached this Court. The petitioner seeks to challenge a notice issued to others, on the basis of its own commercial and contractual connection with those persons. In the above background, this Court also deems it apposite to briefly examine the averments in the writ petition and the pleaded cause of action.

29. The petitioner's own pleadings also demonstrate that the real dispute is situated in Maharashtra. A substantial part of the petitioner's challenge, as averred in the writ petition, proceeds on the following assertions:

- pan masala is prohibited in the State of Maharashtra;
- VIMAL Elaichi, which is the product shown in the advertisement, is not itself a prohibited commodity;
- respondent no. 3/FDA, Mumbai has allegedly admitted in media interviews that the petitioner's pan masala is not manufactured in Maharashtra since 2001;
- the allegations in the impugned notice concern the alleged manufacture, sale and promotion of VIMAL-branded pan masala, tobacco or *gutka* in Maharashtra;
- the petitioner relies upon alleged statements made by officers

www.taxcode.in

of respondent no. 3/FDA, Mumbai after issuance of the impugned notice;

- the petitioner refers to alleged stringent actions allegedly being taken by the State of Maharashtra against persons dealing in prohibited items like *gutka*;
- the petitioner asserts that no manufacturing unit or transport network dealing in VIMAL-branded pan masala has been found in Maharashtra by the GST authorities; and
- the petitioner contends that, in the absence of any sale of even a single pouch of VIMAL pan masala in Maharashtra, the allegation of surrogate advertising is baseless.

30. In the considered opinion of this Court, the aforesaid averments in the writ petition, in light of the fact that impugned notice is issued by the authorities, and issued to the persons, situated in State of Maharashtra, are not just incidental pleadings, but constitute a substantial part of the petitioner's challenge to the impugned notice. The petitioner itself seeks to establish that the impugned notice is factually incorrect because VIMAL pan masala is not manufactured or sold in Maharashtra, that the FDA, Mumbai has misunderstood the nature of the product advertised, and that the alleged prohibited activity has not taken place in that State. Consequently, the petitioner's own case is that the respondent no. 3, i.e. an authority under the Government Maharashtra, has wrongly proceeded on the basis that the petitioner is manufacturing, selling or promoting a prohibited product in Maharashtra. Therefore, for the

purpose of territorial jurisdiction, such averments in the writ petition clearly show that the central controversy concerns the legality and correctness of an action taken by the FDA Mumbai, in relation to alleged activities in Maharashtra.

31. In ***Union of India v. Adani Exports Ltd.:*** *(2002) 1 SCC 567*, the Hon'ble Supreme Court considered whether the Gujarat High Court had territorial jurisdiction to entertain a writ petition challenging denial of benefits under the Passport Scheme. Though the petitioner carried on its export-import business at Ahmedabad, placed and executed orders there, made payments and received documents there, and suffered the commercial consequences of the denial at Ahmedabad, the passbook in question had been issued at Chennai, the competent authority was situated there, and the relevant entries and processing under the scheme were undertaken by authorities at Chennai. The Supreme Court held that the Gujarat High Court did not have jurisdiction to entertain the *lis*, and it was the Madras High Court, before which the writ petition should have been filed. It was reiterated by the Hon'ble Supreme Court that every fact pleaded in a petition does not *ipso facto* constitute a part of the cause of action. Only those facts which have a direct nexus or relevance to the lis can confer territorial jurisdiction. Facts which are merely incidental or have no bearing on the dispute cannot, by themselves, give rise to a cause of action within the jurisdiction of the concerned Court.

32. The petitioner herein has further relied upon the fact that

respondent no. 4/CCPA is situated in Delhi and that proceedings concerning surrogate advertising are pending before it. In the considered view of this Court, this submission is equally insufficient to confer territorial jurisdiction upon this Court.

33. As disclosed in the petition itself, the proceedings before the CCPA arise out of some proceedings (public interest litigation) in which the High Court of Allahabad had directed the CCPA to conduct an investigation concerning surrogate advertisements and pan masala advertisements, in which various companies and manufacturers, including the petitioner, were parties. The CCPA is stated to be conducting its own proceedings in that regard. However, neither any order passed by the CCPA has been challenged in the present petition, nor has the CCPA passed any order in relation to the impugned notice issued by respondent no. 3. The impugned notice issued by the FDA, Mumbai and the proceedings before the CCPA are, *prima facie*, separate proceedings arising from separate actions taken by separate authorities. The mere pendency of similar proceedings before an authority situated in Delhi cannot confer territorial jurisdiction upon this Court in respect of an independent notice issued by a State authority in Maharashtra.

34. In light of above facts and circumstances, the argument advanced on behalf of the petitioner, if accepted, would lead to an untenable consequence. Undisputedly, FSSAI is the apex statutory body under the FSS Act, and is situated in Delhi. If the mere

existence of FSSAI in Delhi was sufficient to confer jurisdiction upon this Court, then every show cause notice or order issued by a Food Safety Commissioner or an officer of the Food and Drug Administration of any State in the country could be challenged before this Court, even where – the notice or order was issued by the concerned State authority; the authority was appointed or functioning under the State Government; the affected persons and addressees were situated in that State; the alleged activity took place in that State; no direction or communication had been issued by FSSAI requiring the State authority to take the impugned action; and no order or decision of FSSAI was under challenge. Such an interpretation would render the territorial limitations contained in Article 226 practically meaningless.

35. In this regard, the observations of the Coordinate Bench of this Court in ***Indure Private Limited v. Government of NCT of Delhi:*** *2026 SCC OnLine Del 2386* are also noteworthy:

> "36. A petitioner who approaches this Court to assail a decision of an authority situated in Delhi, when the underlying cause for the said decision lies elsewhere, effectively attempts to make this High Court a mini-pan-India superior court exercising jurisdiction over all events which take place throughout this Country. There is no gainsaying with the proposition that every High Court is competent to adjudicate upon a lis which arises from events or actions taking place within its territory. Merely because the ultimate order, which is based on events taking place outside Delhi and takes cognizance of actions outside of Delhi, is passed within the jurisdiction of this Court, a writ petition ought not be entertained by this Court.
>
> 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."

36. Thus, it is well-settled that the situs of the apex statutory body cannot, by itself, determine the territorial jurisdiction in respect of every independent action taken by subordinate or State authorities across the country. What is required to be considered by a Court is the real and direct nexus between the facts relied upon and the cause of action arising within the territorial jurisdiction of the Court. In the present case, no such nexus with Delhi has been established, and the presence of the Ministry and FSSAI in Delhi is not sufficient when the impugned action emanates entirely from the State of Maharashtra and FDA, Mumbai, with no decision of either the Ministry or FSSAI being under challenge.

37. Insofar as the repeated reliance placed on behalf of the petitioner on the decision of the Hon'ble Supreme Court in the case of ***Bakshish Ahmad*** *(supra)* is concerned, this Court is of the opinion that the same is distinguishable on facts. A perusal of the said decision reveals that the Supreme Court was dealing with a case where the appellant, a member of the Border Security Force (BSF),

had challenged his dismissal from service before the Delhi High Court, although the order of dismissal had been passed outside Delhi and the events leading to such dismissal had also occurred outside its territorial jurisdiction. In arriving at its conclusion, the Supreme Court relied upon its earlier decision in ***Shri Ranjeet Mal v. General Manager, Northern Railway, Baroda House, New Delhi:*** *(1977) 1 SCC 484* wherein it had been held that the Union of India would be liable for enforcement of an order quashing the dismissal or removal of a railway servant, and not merely the officer who had passed the order. This principle, read with sections 4 and 5 of the Border Security Force Act, 1968, rendered the Union of India and the Director General, BSF, whose offices were situated in New Delhi, necessary parties to the proceedings. The Supreme Court also took note of Rule 22(4) of the BSF Rules, under which every order of dismissal or removal was required to be reported to the Director General. It was in this specific statutory and administrative context that the Hon'ble Supreme Court held that the Delhi High Court possessed territorial jurisdiction, in terms of Article 226(1) of the Constitution, in case of termination of service of any member of Central Armed Police Forces including BSF. Thus, the present case is distinguishable from the said decision.

38. It is well-settled that for determining territorial jurisdiction, the Court is required to examine the pleadings as a whole and ascertain the substance of the dispute. The Court cannot permit jurisdiction to be created by selectively referring to facts such as the petitioner's

registered office, the place from which payments were made, or the location where the advertising campaign may have been conceived or managed, when those facts have no direct bearing on the validity of the impugned notice. The Court must also guard against a situation where pleadings are moulded in a manner so as to project incidental facts as constituting the cause of action, while the material facts relating to the actual dispute lie elsewhere. Facts which have no bearing on the *lis*, or which are merely background facts, do not confer territorial jurisdiction merely because they are pleaded in the petition.

39. *At the same time*, even assuming, for the sake of argument, that the petitioner has been able to disclose some remote or incidental cause of action with Delhi, this Court is of the view that the present case is not an appropriate case for exercise of jurisdiction having regard to the doctrine of *forum conveniens*. As already discussed above at length, the entire cause of action has arisen in the State of Maharashtra. The actual noticees, who are residents of Maharashtra, have also not challenged the notice. In view thereof, the courts in Maharashtra are the natural and convenient forum for adjudication of the dispute.

40. In the above background, it would be pertinent to note that in ***Kusum Ingots & Alloys Ltd. v. Union of India***: *(2004) 6 SCC 254*, the Hon'ble Supreme Court had examined the scope of territorial jurisdiction under Article 226(2) of the Constitution of India and held





that the mere location of the seat of the Union Government or the authority concerned does not, by itself, confer territorial jurisdiction upon a High Court. It was observed that jurisdiction under Article 226 is determined by whether any part of the cause of action has arisen within the territorial limits of the High Court concerned. Further, the concept of *forum conveniens* was explained by the Hon'ble Supreme Court in the said decision by way of following observations:

> "***Forum conveniens***
>
> 30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens."

41. In this regard, it would also be relevant to take note of the decision of the Hon'ble Supreme Court in case of ***State of Goa v. Summit Online Trade Solutions (P) Ltd.:*** *(2023) 7 SCC 791*. In the said case, the petitioner had challenged various notifications under the CGST Act 2017 and IGST Act 2017, alongwith with rate-notifications issued by the States of Goa, Maharashtra, Punjab and Sikkim. It was pleaded that one of the notifications under challenge was issued by the State of Sikkim and the registered office of the petitioner was also situated in Sikkim. Nevertheless, the Hon'ble Supreme Court held that the High Court of Sikkim was not clothed with the requisite jurisdiction to entertain the petition, as the major

www.taxcode.in

and substantial part of the cause of action had arisen within the jurisdiction of another High Court. The Supreme Court observed that, even assuming that a slender part of the cause of action arose within the territorial jurisdiction of High Court of Sikkim, such fact, by itself, could not be a determinative factor compelling that Court to entertain the writ petition. Relying upon ***Kusum Ingots*** *(supra)* and ***Ambica Industries v. CCE:*** *(2007) 6 SCC 769,* the Supreme Court reiterated that the doctrine of *forum conveniens* must also be considered, particularly where the principal and material facts giving rise to the lis arise within the jurisdiction of another High Court. Thus, neither the challenge to one notification issued by the State of Sikkim, nor the location of the office of the petitioner in Sikkim, were considered to be the material facts or prayers to determine the cause of action, when the primary notification in challenge, among several others, was issued by the State of Goa.

42. In view of the aforesaid discussion, this Court is of the considered view that the petitioner has failed to establish that any substantial or material part of the cause of action has arisen within the territorial jurisdiction of this Court. The impugned show cause notice was issued by the FDA, Mumbai, State of Maharashtra – to the brand ambassadors engaged by the petitioner, who are residents of Mumbai – in relation to alleged activities and alleged statutory violations in Maharashtra. Though the petitioner has impleaded the Ministry and the FSSAI, which are situated in Delhi, as parties in the writ petition, neither any specific relief is claimed against either of them, nor any

direction or order passed by these authorities has been challenged before the Court or even placed on record with the writ petition. The factum of petitioner operating its business from Delhi or engaging brand ambassadors from Delhi, especially when the impugned notice has not been issued to the petitioner herein, cannot by themselves confer territorial jurisdiction upon this Court, in light of the judicial precedents of the Hon'ble Supreme Court as well as this Court.

43. The present petition is, accordingly, held to be non-maintainable for want of territorial jurisdiction. In addition, the Court also finds that courts in Maharashtra are the more appropriate and convenient forum for the petitioner to raise its grievances concerning the impugned notice, as per doctrine of *forum conveniens.*

44. The petition is therefore dismissed on this ground, without expressing any opinion on the merits of the petitioner's challenge. Pending application, if any, also stands disposed of.

45. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 14, 2026
T.D./T.S.