



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10011 OF 2025

M/s. Shekhar Champalal Pagaria through Proprietor
and others ... Petitioners

Vs.

CFM Assets Reconstruction Pvt. Ltd. and others ... Respondents

Ms. Ayodhya Patki a/w. Mr. Vallabh Tokekar and Mr. Akash Kotecha for
Petitioners.

Mr. Nikhil Rajani a/w. Mr. Ajay Deshmane i/b. V. Deshpande & Co. for
Respondent No.1.

Mr. Darshit Jain a/w. Mr. Parth Mehta, Mr. Anurag Kalavatiya and Mr. Udit
Raghuwanshi i/b. Mr. Bhavesh Joshi for Respondent No.5.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : MARCH 06, 2026

ORDER : (Per Justice Manish Pitale)

. The establishment of the Circuit Bench at Kolhapur has led to a specific question being raised on behalf of the petitioners to the effect that the present petition, originally filed and registered at the Principal Seat of this High Court, upon establishment of the Circuit Bench at Kolhapur ought to be transferred to the Circuit Bench. It is claimed that upon establishment of the Circuit Bench at Kolhapur and in the light of Rule 3A of the Bombay High Court Appellate Side Rules (for short the 'said Rules'), the Principal Seat of this Court no longer has jurisdiction to consider and deal with this petition. The said question does not concern the merits of the present petition. But, a brief reference to the chronology of events leading upto filing of this petition becomes necessary to understand the context in which the rival submissions have been made.

2. The petitioner No.1 is a proprietary firm, which took certain credit facilities from Janata Sahakari Bank Limited, for which purpose petitioner Nos.2 to 4 mortgaged certain properties. The loan account was declared as 'NPA' and proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act) were undertaken. It is the case of the petitioners that the steps taken in that regard, including approaching the concerned Magistrate, were inappropriate and ultimately, the petitioners were constrained to file securitisation application before the Debts Recovery Tribunal (DRT), Pune, which has jurisdiction over certain Districts in Maharashtra including the District Kolhapur. In the meanwhile, the bank assigned the loan to the respondent No.1, and hence, the said respondent was a party before the DRT. In the proceedings before the DRT, interlocutory applications were filed. On 22.02.2023, the DRT decided all the interlocutory applications and set aside a sale certificate issued in favour of respondent No.5 and directed respondent No.1 to retain custody of movable assets and to commence the process of sale afresh. Aggrieved by the said order, the respondent No.1 filed appeal before the Debts Recovery Appellate Tribunal (DRAT) at Mumbai.

3. By the impugned order dated 19.09.2024, the DRAT decided the appeals by a common order and remanded the matters back to the DRT for decision afresh, on the basis that the order dated 22.02.2023 passed by the DRT was a non-speaking order.

4. The petitioners filed present writ petition aggrieved by the said order of the DRT. On 31.07.2025, while issuing notice in the present writ petition, a Division Bench of this Court directed that, in the meantime, the DRT shall not re-initiate the sale proceedings *de novo* till the next date of listing. The interim order has continued to operate during the

pendency of the present petition.

5. By a Notification dated 01.08.2025, the Circuit Bench at Kolhapur was established and it was inaugurated on 16.08.2025. The Circuit Bench at Kolhapur as per the amended rules exercises jurisdiction over six districts of Maharashtra, including district Kolhapur. In this backdrop, when the writ petition was taken up for consideration on 29.01.2026, a specific submission was made on behalf of the petitioners that with the establishment of the Circuit Bench at Kolhapur, the instant petition ought to be transferred to the Circuit Bench as it is only the Circuit Bench at Kolhapur that now has jurisdiction to consider and dispose of the present petition. The said submission made on behalf of the petitioners was opposed by the respondent No.1 and respondent No.5. Considering the submissions made by the rival parties and the question of law that arose in that context, this Court directed the learned counsel for the rival parties to make detailed submissions on the said question.

6. Ms. Ayodhya Patki, learned counsel appearing for the petitioners submitted that with the establishment of the Circuit Bench at Kolhapur and the High Court Appellate Side Rules being amended, the effect of Rule 3A of the said Rules is that only the Circuit Bench at Kolhapur has jurisdiction to now deal with the present writ petition. It was submitted that in the present case, the dispute arises from District Kolhapur as all the relevant events giving rise to the dispute took place at Kolhapur. It was asserted that the bank had sanctioned loans to the petitioners from its Branch at Ichalkaranji in District Kolhapur. The mortgaged assets, which are secured assets under the Securitisation Act, are also located at Ichalkaranji, District Kolhapur. The symbolic and physical possession of the secured assets was taken over at Ichalkaranji in Kolhapur and therefore, the entire cause of action has arisen in District Kolhapur.

7. In this backdrop, it was submitted that when Rule 3A added by way of amendment to the Rules stipulates that all appeals, applications, references and petitions, including petitions for exercising of powers under Articles 226 and 227 of the Constitution arising from six judicial districts, including District of Kolhapur, shall lie before the Circuit Bench at Kolhapur, the present writ petition ought to be transferred to the Circuit Bench at Kolhapur. The learned counsel for the petitioners placed much emphasis on the *Hon'ble Chief Justice being the Master of the Roster* and submitted that in the light of the amended Rule 3A being added to the Rules, the Principal Seat at Bombay could not exercise jurisdiction any further in respect of the present petition.

8. The learned counsel for the petitioners relied upon judgement of the Supreme Court in the case of *Ambika Industries Vs. Commissioner of Central Excise*, **(2007) 6 SCC 769**, to contend that the Supreme Court had clarified that the place where an appellate tribunal disposes of an appeal cannot be a factor for deciding as to which High Court will have jurisdiction to entertain a petition to challenge the order of such an appellate tribunal. It was submitted that the aforesaid view was adopted by the Supreme Court, despite the law laid down in earlier judgements in the case of *Nasrudin Vs. State Transport Appellate Tribunal*, **(1975) 2 SCC 671** and *M/s. Kusum Ignots & Alloys Limited Vs. Union of India*, **AIR 2004 SC 2321**.

9. Reference was further made to the judgement of the Supreme Court in the cases of *State of Maharashtra vs. Narayan Shamrao Puranik*, **(1982) 3 SCC 519** as also recent judgement in the case of *Ranjeet Baburao Nimbalkar vs. State of Maharashtra*, **2025 SCC OnLine SCC 2855**, to contend that establishment of the Benches at Aurangabad and now the Circuit Bench at Kolhapur was discussed in the aforesaid two judgements and a proper appreciation of the observations

made in the said two judgements would show that since the origin of the dispute in the present case is from District Kolhapur, the present writ petition ought to be transferred to the Circuit Bench at Kolhapur. The learned counsel for the petitioners further referred to Full Bench judgement of the Madras High Court in the case of *M/s. Sanjos Jewellers Vs. Syndicate Bank*, **2007 SCC OnLine Mad. 751** as also the judgement of Five-Judge Bench of the Delhi High Court in the case of *M/s. Sterling Agro Industries Limited Vs. Union of India*, **AIR 2011 Delhi 174**, in support of the aforesaid contentions raised on behalf of the petitioners.

10. The learned counsel for the petitioners specifically emphasized on a recent judgement and order of a learned Single Judge of this Court in the case of *Shri Shivneri Sahakari Bank Limited Vs. Rupee Co-operative Bank Limited and others* (judgement and order dated **09.12.2025** passed in **Writ Petition No.2623 of 2024**), to contend that in similar circumstances, the learned Single Judge of this Court analyzed and interpreted Rule 3A of the aforesaid Rules, particularly in the backdrop of the recognized concept of the 'Hon'ble Chief Justice being the Master of the Roster', to hold that a writ petition filed and pending before this Court, which concerned a dispute arising from District Kolhapur, ought to be transferred to the Circuit Bench at Kolhapur. It was further submitted that since the petitioners are from Kolhapur and they are *dominus litis*, as also on the basis that Circuit Bench at Kolhapur is the forum convenience, this Court ought to direct the present writ petition to be transferred to the Circuit Bench at Kolhapur.

11. On the other hand, Mr. Darshit Jain, learned counsel appearing for respondent No.5, submitted that the contentions raised on behalf of the petitioners ought not to be accepted. It is submitted that a proper analysis of the precedents and judgements, upon which even the petitioners have

placed reliance, would show that the present writ petition has to be retained at the Principal Seat of this Court and that it cannot be held that establishment of the Circuit Bench at Kolhapur and consequential amendments made in the Rules require the petition to be transferred to Circuit Bench at Kolhapur.

12. In support of the said submissions, it was emphasized that in the present case the Original Authority i.e. DRT, Pune as well as the Appellate Authority i.e. DRAT, Mumbai are both located in the territorial jurisdiction of the Principal Seat of this Court, and therefore, the Principal Seat clearly has jurisdiction to continue with the present writ petition. It was emphasized that in the present case the nature of prayer in the writ petition clearly shows that the petitioners have invoked the writ of *certiorari* and this is a writ petition filed under Articles 226 / 227 of the Constitution of India. As recognized by the Supreme Court in various judgements, the nature of jurisdiction exercised in the writ of *certiorari* and under Article 227 of the Constitution of India is overlapping and the boundaries have blurred. In such a situation, the Principal Seat of this Court at Mumbai clearly has jurisdiction to examine the correctness or otherwise of the order of the Appellate Authority i.e. DRAT at Mumbai. As per a series of judgements of the Supreme Court, the order of the Appellate Authority does form a substantial part of the cause of action, and therefore, it cannot be said that upon establishment of the Circuit Bench at Kolhapur, the Principal Seat at Mumbai ceases to have jurisdiction.

13. Much emphasis was placed on the judgements of the Supreme Court in the case of **Nasrudin Vs. State Transport Appellate Tribunal** (*supra*) and **M/s. Kusum Ignots & Alloys Limited Vs. Union of India** (*supra*). It was submitted that even if the judgement of the Supreme Court in the case of **Ambika Industries Vs. Commissioner of Central**

Excise (*supra*) is to be taken into consideration, the law laid down by the Supreme Court clearly inures in favour of the position being canvassed on behalf of respondent No.5.

14. The learned counsel appearing for respondent No.5 specifically relied on the Full Bench Judgement of the Madras High Court in the case of **M/s. Sanjos Jewellers Vs. Syndicate Bank** (*supra*) and the Division Bench judgement of this Court in the case of *Volvo Group India Private Limited Vs. Union of India*, **2024 SCC OnLine Bom. 2897**. It was emphasized that the aforesaid judgement of the Division Bench of this Court specifically considered a question as to whether a writ petition challenging an order passed by the Appellate Authority located in Mumbai could be challenged by way of writ petition before the Principal Seat or Nagpur Bench or at the High Court of Bombay at Goa. Having analyzed the position of law, it was held that the Division Bench at the Principal Seat of this Court in Mumbai certainly had jurisdiction to entertain and dispose of writ petitions challenging the orders of the Appellate Authority.

15. It was submitted that the judgement of the learned Single Judge of this Court in the case of **Shri Shivneri Sahakari Bank Limited Vs. Rupee Co-operative Bank Limited and others** (*supra*) did refer to the judgement of the Supreme Court in the case of **Nasrudin Vs. State Transport Appellate Tribunal** (*supra*). But, it was not applied in the proper perspective. It was submitted that in any case, the said judgement is clearly distinguishable, simply for the reason that in the said case the original authority i.e. co-operative Court was located in District Kolhapur itself, while the original authority in the present case is the DRT located at Pune. It was submitted that this was a clear factual distinction, thereby indicating that the petitioners cannot rely upon the said judgement of the learned Single Judge of this Court to claim that

upon establishment of the Circuit Bench at Kolhapur, the Principal Seat at Mumbai ceases to have jurisdiction.

16. It was submitted that even if the contentions raised on behalf of the petitioners were to be accepted for the sake of argument that the Circuit Bench at Kolhapur may also have jurisdiction, it could not be said that even on the principle of *forum convenience*, the petitioners can succeed in seeking a transfer of the petition to the Circuit Bench at Kolhapur. It was submitted that the petitioners have contested the appellate proceedings in Mumbai, and therefore, they cannot be heard to say that pursuing the writ petition here at Mumbai at the Principal Seat of this High Court is inconvenient for them. Therefore, it was submitted that this Court may reject the contention raised on behalf of the petitioners and direct that the writ petition shall be taken up for further consideration here at the Principal Seat itself. It was emphasized that the respondents are suffering an interim order, and therefore, there is urgency in the matter.

17. Mr. Rajani, learned counsel appearing for respondent No.1 supported the contentions raised on behalf of the respondent No.5 and prayed for rejection of the contentions raised on behalf of the petitioners.

18. Having heard the learned counsel for the parties, we find that the tenor of submissions made on behalf of the petitioners is to the effect that the moment the Circuit Bench at Kolhapur stood established, particularly in the light of introduction of Rule 3A in the said Rules, the Principal Seat at Mumbai completely lost jurisdiction, and that therefore, the instant petition ought to be transferred to the Circuit Bench at Kolhapur. The emphasis on Rule 3A of the said Rules on the part of the petitioners appears to be the bedrock of the submissions.

19. But, before considering the said submission and adverting to the

position of law as elucidated in the aforementioned judgements, it would be appropriate to consider the nature of relief sought in the present petition. A perusal of the prayer clause shows that the petitioners have invoked the writ of *certiorari* against the order of the Appellate Authority i.e. the DRAT. It is undisputed that the DRAT is located in Mumbai. It is also undisputed that the Original Authority in the present case i.e. the DRT is located in Pune. Both, the DRT i.e. the Original Authority and DRAT i.e. the Appellate Authority, are within the jurisdiction of the Principal Seat of this High Court.

20. Notification dated 26.09.2016 issued by the Ministry of Finance of the Central Government shows that for disputes arising from the District of Kolhapur, the DRT at Pune has jurisdiction. The petitioners have placed much emphasis on the fact that in the present case, the loan, which turned an NPA, was advanced to the petitioners at Ichalkaranji in Kolhapur and that the secured assets are also located at the said place. It is, therefore, asserted that since the cause of action, having arisen from the Judicial District of Kolhapur, applying Rule 3A of the said Rules, the present petition can now lie only before the Circuit Bench at Kolhapur.

21. We have considered the judgements relied upon by the rival parties. We find that the Supreme Court considered a situation where rival parties were claiming that writ petitions could be filed before specific Benches and that the jurisdiction between the Benches could be said to be mutually exclusive. This was in the case of **Nasrudin Vs. State Transport Appellate Tribunal** (*supra*). The Supreme Court considered the rival submissions in the context of the Allahabad and Lucknow Benches of the Allahabad High Court. In the said case also, as a matter of fact, the appellate or revisional authority was located at Lucknow, while the original authority was located at a place outside the jurisdiction of the Lucknow Bench. After considering the approach

adopted by the Full Bench of the Allahabad High Court, the Supreme Court laid down the law in the following terms:-

“37. The conclusion as well as the reasoning of the High Court is incorrect. It is unsound because the expression “cause of action” in an application under Article 226 would be as the expression is understood and if the cause of action arose because of the appellate order or the revisional order which came to be passed at Lucknow then Lucknow would have jurisdiction though the original order was passed at a place outside the areas in Oudh. It may be that the original order was in favour of the person applying for a writ. In such case an adverse appellate order might be the cause of action. The expression “cause of action” is well-known. If the cause of action arises wholly or in part at a place within the specified Oudh areas, the Lucknow Bench will have jurisdiction. If the cause of action arises wholly within the specified Oudh areas, it is indisputable that the Lucknow Bench would have exclusive jurisdiction in such a matter. If the cause of action arises in part within the specified areas in Oudh it would be open to the litigant who is the *dominus litis* to have his *forum conveniens*. The litigant has the right to go to a court where part of his cause of action arises. In such cases, it is incorrect to say that the litigant chooses any particular court. The choice is by reason of the jurisdiction of the court being attracted by part of cause of action arising within the jurisdiction of the court. Similarly, if the cause of action can be said to have arisen partly within specified areas in Oudh and partly outside the specified Oudh areas, the litigant will have the choice to institute proceedings either at Allahabad or Lucknow. The court will find out in each case whether the jurisdiction of the court is rightly attracted by the alleged cause of action.”

22. A perusal of the above-quoted portion of the judgement of the Supreme Court shows that the fact that order is passed by the appellate or revisional authority within the territorial jurisdiction of a particular Bench of the High Court is a relevant factor, and that, part of the cause of action clearly arises within the territorial jurisdiction of the Bench wherein the appellate or revisional authority is located.

23. In the case of **M/s. Kusum Ignots & Alloys Limited Vs. Union of India** (*supra*), the Supreme Court considered a situation where the

original authority was located within the jurisdiction of a particular High Court, while the appellate authority was located in the jurisdiction of another High Court. While dealing with the question of cause of action and whether a part of the cause of action could be said to have arisen at a place where the appellate authority was located, the Supreme Court, in the said case, observed as follows:-

“25. The said decision is an authority for the proposition that the place from where an appellate order or a revisional order is passed may give rise to a part of cause of action although the original order was at a place outside the said area. When a part of the cause of action arises within one or the other High Court, it will be for the petitioner to choose his forum.

26. The view taken by this Court in *U.P. Rashtriya Chini Mill Adhikari Parishad* [(1995) 4 SCC 738] that the situs of issue of an order or notification by the Government would come within the meaning of the expression “cases arising” in clause 14 of the (Amalgamation) Order is not a correct view of law for the reason hereafter stated and to that extent the said decision is overruled. In fact, a legislation, it is trite, is not confined to a statute enacted by Parliament or the legislature of a State, which would include delegated legislation and subordinate legislation or an executive order made by the Union of India, State or any other statutory authority. In a case where the field is not covered by any statutory rule, executive instructions issued in this behalf shall also come within the purview thereof. Situs of office of Parliament, legislature of a State or authorities empowered to make subordinate legislation would not by itself constitute any cause of action or cases arising. In other words, framing of a statute, statutory rule or issue of an executive order or instruction would not confer jurisdiction upon a court only because of the situs of the office of the maker thereof.

27. When an order, however, is passed by a court or tribunal or an executive authority whether under provisions of a statute or otherwise, a part of cause of action arises at that place. Even in a given case, when the original authority is constituted at one place and the appellate authority is constituted at another, a writ petition would be maintainable at both the places. In other words, as order of the appellate authority constitutes a part of cause of action, a writ petition would be maintainable in the High Court within whose

jurisdiction it is situate having regard to the fact that the order of the appellate authority is also required to be set aside and as the order of the original authority merges with that of the appellate authority.”

24. In the case of **Ambika Industries Vs. Commissioner of Central Excise** (*supra*), upon which the learned counsel for the petitioners has placed much reliance, the Supreme Court considered the position of law laid down in the two aforementioned earlier judgements and found that the expression 'cause of action' in the context of clause 2 of Article 226 of the Constitution of India does indicate that even if a small fraction of the cause of action accrues within the jurisdiction of a Court, that Court will have jurisdiction in the matter though the doctrine of *forum convenience* may also have to be considered. In other words, the judgement in the case of **Ambika Industries Vs. Commissioner of Central Excise** (*supra*), in no manner, dilutes the position of law clarified by the Supreme Court in the earlier judgements in the cases of **Nasrudin Vs. State Transport Appellate Tribunal** (*supra*) and **M/s. Kusum Ignots & Alloys Limited Vs. Union of India** (*supra*).

25. The aforementioned judgements of the Supreme Court also referred to an earlier judgement of a Constitution Bench in the case of *Collector of Customs, Calcutta Vs. East India Commercial Company Limited*, **AIR 1963 SC 1124**, which considered the question of merger of an order of the original authority into the order of the appellate authority. One of the issues that arose before the Supreme Court was, as to whether it could be said that the order of the original authority merged into that of the appellate authority when the appeal was simply dismissed and the order of the original authority was confirmed. In the said judgement, the Supreme Court held that in all three scenarios i.e. reversal of an order of the original authority, modification of the order of the original authority and even confirmation of the order of the original authority, the order

impugned merged into the order of the appellate authority. This was one of the factors taken into consideration in the aforementioned subsequent judgements of the Supreme Court in the cases of **Nasrudin Vs. State Transport Appellate Tribunal** (*supra*) and **M/s. Kusum Ignots & Alloys Limited Vs. Union of India** (*supra*) and **Ambika Industries Vs. Commissioner of Central Excise** (*supra*), to hold that part of the cause of action certainly arose where the appellate authority was located.

26. The said dictum was followed by the Full Bench of the Madras High Court in the case of **M/s. Sanjos Jewellers Vs. Syndicate Bank** (*supra*) as also by a Five-Judge Special Bench of the Delhi High Court in the case of **M/s. Sterling Agro Industries Limited Vs. Union of India** (*supra*). In both the aforesaid judgements of the Delhi High Court and the Madras High Court, it was held that when the appellate authority was situated at a particular place, the High Court or a Bench thereof, which had territorial jurisdiction over the location where the appellate authority was located, would have jurisdiction as part of the cause of action clearly arose within the territorial jurisdiction of such High Court. It is to be noted that when an appeal is either allowed or dismissed by the appellate authority, cause of action indeed accrues upon the aggrieved party to approach the High Court, either seeking writ of *certiorari* or invoking Article 227 of the Constitution of India, being supervisory jurisdiction.

27. It is also relevant to note that as per law laid down by the Supreme Court and various High Courts, the jurisdiction exercised by the High Court as a Constitutional Court, while invoking writ of *certiorari* and while exercising supervisory jurisdiction under Article 227 of the Constitution, has now become overlapping and the lines between the two have blurred. In fact, Full Bench of the Delhi High Court in the case of *New India Assurance Company Limited Vs. Union*

of India, **2009 SCC OnLine Del. 1764**, specifically referred to and recognised this aspect of the matter while observing as follows:-

“35. Having held that this court has jurisdiction, it cannot be said that only a insignificant or minuscule part of the cause of action has accrued within the jurisdiction of this court or that the substantial cause of action has accrued within the jurisdiction of the High Court of Andhra Pradesh. In fact, the sole cause of action for the writ petition is the order of the appellate authority and which cause of action has accrued entirely within the jurisdiction of this court and this court would be failing in its duty/function if declined to entertain the writ petition on the ground of the contesting respondent being situated within the jurisdiction of the High Court of Andhra Pradesh. Though the petition has been filed under article 226 of the Constitution, it cannot be lost sight of that jurisdiction in such cases under article 226 is overlapping with article 227. Article 227 is clear in this regard. The power of superintendence over Tribunals is vested in the High Court within whose jurisdiction the Tribunal is situated. In that light of the matter also, it cannot be said that only insignificant or minuscule part of the cause of action has accrued within the jurisdiction of this court. The appellate authority in the present case having passed the order which is impugned in the petition, being situated within the jurisdiction of this court, even if the cause of action doctrine were to be invoked, substantial part of the cause of action has accrued within the jurisdiction of this court only. Even the language of the impugned order giving rise to the cause of action in the writ petition, discloses significant cause of action to have accrued within the jurisdiction of this court. This court while deciding this writ petition is not required to issue any direction, order or writ to any person outside its jurisdiction. Section 110H of the Indian Insurance Act, 1938, provides for appeal to the Central Government, seat whereof is admittedly within the jurisdiction of this court.

36. For the foregoing reasons, we hold that where an order is passed by an appellate authority or a revisional authority, a part of cause of action arises at that place when the original authority is situated at one place and the appellate authority is situated at another, a writ petition would be maintainable at both the places. As the order of appellate authority constitutes a part of the cause of action, a writ petition would be maintainable in the High Court within whose jurisdiction it is situate having regard to the fact that the petitioner is dominus litis to choose his forum, and that since the original order

merges into the appellate order, the place where the appellate authority is located is also forum convenience.”

28. Closer home, a Division Bench of this Court in the case of **Volvo Group India Private Limited Vs. Union of India** (*supra*) considered a situation where an objection was raised with regard to the Division Bench at the Principal Seat of this Court entertaining writ petitions, challenging orders passed by appellate / revisional authority located within the territorial jurisdiction of the Principal Seat at Mumbai. It was specifically urged on behalf of the respondents as a preliminary objection that the writ petitions should actually be filed before various High Courts or at Goa or at the Nagpur Bench of this Court.

29. The Division Bench of this Court, in the said judgement, considered various judgements of the Supreme Court including **Nasrudin Vs. State Transport Appellate Tribunal** (*supra*), **M/s. Kusum Ignots & Alloys Limited Vs. Union of India** (*supra*) and various judgements of High Courts to come to a conclusion that the Principal Seat of this Court at Mumbai certainly had jurisdiction to entertain the writ petitions and the preliminary objection was rejected. While doing so, the Division Bench of this Court laid emphasis on the fact that the order of the original authority merged into that of the appellate authority, and the appellate authority being located within the territorial jurisdiction of the Principal Seat of this Court, the objection regarding territorial jurisdiction deserved to be rejected. The Division Bench of this Court made the following observations in the said judgement:-

“19. Therefore, prior to the amendment of Article 226 and the insertion of Article 226(2), the Hon'ble Supreme Court has specifically held that on account of the principle of the doctrine of merger, a writ against an order of the Appellate Authority, would lie only before the High Court within whose territorial jurisdiction the Appellate Authority is located. This principle would continue to hold the field today. Vide the

insertion of Article 226(2), jurisdiction was bestowed upon the High Courts to issue writs to authorities located outside their territorial jurisdiction as long as the cause of action arose within their territorial jurisdiction. Consequently, even the High Court within whose jurisdiction the original lis arose could now issue writs to the Appellate Authority located outside its territorial jurisdiction. However, this would not in any way denude the powers of the High Court within whose territorial jurisdiction the Appellate Authority is located to issue writs. The fact remains that the appellate order is a significant part of the cause of action for petitioner.

20. This has been confirmed by the co-ordinate Bench of this Court in *Kishore Rungta v. Punjab National Bank*¹⁴ and a Full Bench of the Hon'ble Madras High Court in *Sanjos Jewellers v. Syndicate Bank*¹⁵ where it has been held that the Court would have jurisdiction when the Appellate Authority, whose order is subject to scrutiny, is situated within its jurisdiction and the party would have the right to choose either of the Courts. In *Sanjos Jewellers (Supra)*, a writ petition was filed before the Hon'ble Madras High Court challenging an order of the Debt Recovery Appellate Tribunal which was situated at Chennai. Respondent's contention was that since the original adjudication proceedings happened at the Debt Recovery Tribunal located at Bangalore, the writ petition against the order of the Appellate Tribunal was not maintainable before the Hon'ble Madras High Court. The Hon'ble Full Bench relied upon the decision of the Hon'ble Supreme Court in *Kusum Ingots & Alloys Ltd. (Supra)* and held that the order of the Appellate Authority constitutes a part of the cause of action and that a writ petition against the appellate order was maintainable before the High Court within whose territorial jurisdiction the Appellate Authority was situated.

21. In light of the above, the present petitions are maintainable before the Principal Seat of this High Court since the orders of the adjudicating authorities have merged into the impugned orders of the Revisionary Authority who is located in Mumbai.

22. Dealing with the case of respondents, in our view, the stand of Mr. Mishra and Mr. Adik on behalf of respondents in relation to forum conveniens is not applicable to the facts and circumstances of the present matter.

23. Relying on *Kusum Ingots & Alloys Ltd. (Supra)* and the decision of the Five Judge Bench of the Delhi High Court in *Sterling Agro Industries Ltd. (Supra)* it was submitted by respondents that petitioners are unsuited by the principle of

forum conveniens. This was made relying on paragraph 30 of Kusum Ingots & Alloys Ltd. (Supra) that is quoted in paragraph 16 above. In our view that has no application to the facts and circumstances of the matter at hand. In the present case, it is not that only a small part of the cause of action arose in Mumbai. Rather the order of the Revisionary Authority is a significant part of the cause of action of petitioner. This is the law laid down by the Hon'ble Supreme Court in East India Commercial Co. Ltd. (Supra).”

30. We find that on a proper application of the said position of law to the facts of the present case, the contention raised on behalf of the petitioners that with the establishment of the Circuit Bench of this Court at Kolhapur, the Principal Seat of this Court completely lost jurisdiction or that its jurisdiction stood ousted, cannot be accepted. In this context, the petitioners have placed much emphasis on the judgement of the learned Single Judge of this Court in the case of **Shri Shivneri Sahakari Bank Limited Vs. Rupee Co-operative Bank Limited and others** (*supra*). The petitioners have heavily relied upon introduction of Rule 3A, as amended in the said Rules, to claim that any cause of action arising from the Judicial District of Kolhapur must give rise to a petition only at the Circuit Bench of Kolhapur. A perusal of the said judgement of the learned Single Judge of this Court in the case of **Shri Shivneri Sahakari Bank Limited Vs. Rupee Co-operative Bank Limited and others** (*supra*) indeed shows that in the said judgement also, the mainstay is the aforesaid Rule 3 A of the said Rules.

31. But, we find that an observation made in paragraph 21 of the said judgement that the judgements of the Supreme Court in the cases of **Nasrudin Vs. State Transport Appellate Tribunal** (*supra*) and **M/s. Kusum Ignots & Alloys Limited Vs. Union of India** (*supra*), both pertained to situations where Courts of two different States were involved on the question as to which High Court would have jurisdiction. We find that the said observation, at least insofar as the case

of **Nasrudin Vs. State Transport Appellate Tribunal** (*supra*) is concerned, is not correct. As noted hereinabove, the issue of jurisdiction was decided by the Supreme Court in the case of **Nasrudin Vs. State Transport Appellate Tribunal** (*supra*), in the context of a question as to whether the Allahabad Bench or the Lucknow Bench of the Allahabad High Court would have jurisdiction. Apart from this, the learned Single Judge of this Court in the said judgement has relied upon Rule 3A of the said Rules in the backdrop of the original authority or court, in the facts of the said case, being located within the District of Kolhapur. It was found that the appellate authority therein i.e. the co-operative appellate court was located at Pune. In that context, it was observed that since the facts giving rise to cause of action arose at Kolhapur and the original authority i.e. the co-operative court was located in District Kolhapur, applying Rule 3A of the said Rules, only the Circuit Bench at Kolhapur would have jurisdiction. We find that the present case is distinguishable even on facts from the case decided by the learned Single Judge of this Court. Besides, we find that the judgement of Division Bench of this Court in the case of **Volvo Group India Private Limited Vs. Union of India** (*supra*) was not brought to the notice of the learned Single Judge in the case of **Shri Shivneri Sahakari Bank Limited Vs. Rupee Co-operative Bank Limited and others** (*supra*).

32. In the present case, the Original Authority i.e. the DRT is located at Pune, which is within the territorial jurisdiction of the Principal Seat at Mumbai and the Appellate Authority i.e. the DRAT at Mumbai is certainly within the territorial jurisdiction of the Principal Seat of this High Court at Mumbai. Therefore, even applying the logic that was applied by the learned Single Judge in the case of **Shri Shivneri Sahakari Bank Limited Vs. Rupee Co-operative Bank Limited and others** (*supra*), since the Original Authority in the present case is not located within the territorial jurisdiction of the Circuit Bench at

Kolhapur, there is no reason why the observations made in the said judgement can inure to the benefit of the petitioners.

33. In any case, the judgement of the Supreme Court in the case of **Nasrudin Vs. State Transport Appellate Tribunal** (*supra*), the relevant portion of which has been quoted hereinabove, clearly held that where the appellate authority was located within the territorial jurisdiction of Lucknow Bench of the Allahabad High Court, no matter that the original authority was located outside, the Lucknow Bench would still have jurisdiction because the order passed by the appellate authority formed substantial part of the cause of action for the aggrieved party to approach the High Court in writ jurisdiction. Therefore, we are unable to agree with the petitioners that their case is covered by the aforesaid judgement of the learned Single Judge of this Court in the case of **Shri Shivneri Sahakari Bank Limited Vs. Rupee Co-operative Bank Limited and others** (*supra*).

34. We further find that the emphasis placed on behalf of the petitioners on the judgements of this Court in the cases of **State of Maharashtra Vs. Narayan Shamrao Puranik** (*supra*) and **Ranjeet Baburao Nimbalkar Vs. State of Maharashtra** (*supra*), cannot take their case any further. The aforesaid judgements considered the establishment of Benches by the High Court. There can be no dispute about the fact that the Benches at Aurangabad and now at Kolhapur have been established in accordance with law and that this has been so held by the Supreme Court in the said judgements. That in itself, cannot come to the aid of the petitioners.

35. Reliance placed on the judgement of this Court in the case of *Lawyers' Forum for General Utility & Litigating Public Vs. State of Maharashtra* (judgement and order dated **11.12.2014** passed in **Writ Petition No.8182 of 2012** and other connected petitions) as also

judgement of the Supreme Court in the case of *Shanti Bhushan Vs. Supreme Court of India*, (2018) 8 SCC 396, also cannot be of assistance to the petitioners. The said judgements recognised the position of law that the Hon'ble Chief Justice of a High Court is the Master of the Roster. In the judgement of this Court in the case of **Lawyers' Forum for General Utility & Litigating Public Vs. State of Maharashtra** (*supra*), the question was as to whether the Hon'ble Chief Justice of this Court could exercise power under the Rules to transfer or withdraw cases from Benches and allot them to a particular Bench or at the Principal Seat of the High Court. Such power in the Hon'ble Chief Justice as the Master of the Roster was recognised. There can be no quarrel with the said proposition. But, this cannot come to the aid of the petitioners, for the reason that in this petition, the contention raised on their behalf that with the establishment of the Circuit Bench at Kolhapur, this Principal Seat loses jurisdiction, has nothing to do with the *Master of Roster* power of the Hon'ble Chief Justice. In a given case, the Hon'ble Chief Justice may transfer any petition, including this petition, from one Bench to the other by exercising power on the administrative side. But, that cannot come to the aid of the petitioners to support the contention now raised that, with the establishment of the Circuit Bench at Kolhapur, the instant petition ought to be transferred to the said Circuit Bench as the Principal Seat loses jurisdiction in the matter.

36. We also find that in the present case, the aspect of *forum convenience* can also not come to the aid of the petitioners. This is apart from the fact that both the Original Authority at Pune as well as the Appellate Authority at Mumbai are within the territorial jurisdiction of the Principal Seat of this Court. The petitioners had filed the appeal before the DRAT at Mumbai and they also had filed this writ petition before the Principal Seat at Mumbai. Although it is forcefully submitted on behalf of the petitioners that at the point in time when they filed the

petition, they did not have a choice because the Circuit Bench at Kolhapur was yet to be established, we find that even if such choice became subsequently available, only on the ground of *forum convenience*, it cannot be said that this Principal Seat at Mumbai has lost jurisdiction to further hear and entertain the present writ petition.

37. In the light of the above, we are of the opinion that the contention raised on behalf of the petitioners that with the establishment of the Circuit Bench at Kolhapur and in the light of introduction of Rule 3A of the said Rules, this Principal Seat has lost jurisdiction to entertain the present petition, deserves to be rejected. Equally, the contention deserves to be rejected that this petition must necessarily be transferred to the Circuit Bench at Kolhapur. Accordingly, the said contentions are rejected.

38. As a consequence, this writ petition will continue to be heard at the Principal Seat at Mumbai. The writ petition shall be taken up for consideration on 30.03.2026, High on Board. The interim order shall continue to operate till the next date of listing.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

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