



2026:DHC:5636



\$~36

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 14.07.2026*+ **W.P.(C) 8752/2026, CM APPL. 41103/2026, CM APPL. 41104/2026 & CM APPL. 41105/2026**

CLOUD 9 PRJOECTS PRIVATE LIMITED Petitioner

Through: Mr. Ashish Dholakia, Senior Advocate, Mr. Ankur Khandelwal, Mr. Chirag Sharma, Mr. Alok Nayak, Ms. Meghna Jandu, Advocates.

versus

ANUBHAV GUPTA & ORS. Respondents

Through: Mr. Uttam Datt, Senior Advocate with Ms. Sonakshi Singh, Mr. Kumar Bhaskar, and Mr. Naman Kumar, Advocates.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of the present writ petition, the petitioner is seeking following prayers:

“(a) Issue a writ of certiorari or any other appropriate writ, order or direction setting aside the Impugned Review Order dated 06.02.2026 passed in Review Application No. 14 of 2026 and the First NCDRC Order dated 07.05.2024 passed by the Hon’ble National Consumer Disputes Redressal Commission, New Delhi in Consumer Complaint No.938 of



2026:DHC:5636



2017, and all subsequent and consequential proceedings emanating therefrom;

(b) Quash the proceedings of the Execution Petition, i.e. Execution Application No. 141 of 2025 pending before the Hon'ble National Consumer Disputes Redressal Commission, New Delhi along with the orders dated 31.07.2025 and 29.10.2025 passed in the said Execution Application.

(c) Grant an urgent ad-interim stay on the further proceedings in Execution Application No. 141 of 2025 and on the operation of the Impugned Orders dated 31.07.2025 and 29.10.2025, including a stay on all coercive steps against the Petitioner and its directors, pending the final hearing and disposal of the present Review Petition.”

2. The learned senior counsel appearing for the petitioner argues that the issue raised in this petition is as to whether the order 07.05.2024 passed by the National Consumer Disputes Redressal Commission [hereafter ‘NCDRC’] in CC bearing no. 938/2017, suffers from the fatal and incurable defect of *coram non judice*, since it was passed by a single-member Bench of NCDRC. He states that the petitioner had earlier filed a writ petition, i.e. W.P.(C) 329/2026 before this Court, which was withdrawn after addressing some arguments, after obtaining liberty to approach the NCDRC and file a review application. It is further stated that the Review Application no. 14/2026 filed by the petitioner has been dismissed by the NCDRC *vide* impugned order dated 06.02.2024.

3. The learned senior counsel appearing for the petitioner argues that the proceedings before the NCDRC and the orders passed by it are *non-est* and suffer from inherent illegality since, as per the mandate of law and the statutory provisions, the coram for the Bench



2026:DHC:5636



passing such orders mandatorily consists of two members. It is also argued that in several similar matters, Coordinate Benches of this Court have been pleased to issue notice and stay the operation of such orders/proceedings.

4. The learned senior counsel appearing for the respondent, however, argues that the issue raised by the petitioner in this petition question is pending adjudication before the Hon'ble Supreme Court. In this regard, he relies on the order dated 20.02.2024 passed by the Hon'ble Supreme Court in case of ***The New India Assurance Co. Ltd. v. M/s Aczet Private Limited***: Civil Appeal No. 3743/2023. In addition, he has also placed on record an order dated 28.04.2025, passed by the Hon'ble Supreme Court in Civil Appeal No. 5056/2025, wherein the Hon'ble Supreme Court had been pleased to grant stay of the order impugned therein, however, the petitioners therein had been directed to deposit the entire amount awarded by the NCDRC.

5. Therefore, it is contended by the learned senior counsel appearing for the respondent that the appropriate remedy for the petitioner is to approach the Hon'ble Supreme Court by way of filing a statutory appeal as per Section 67 of the Consumer Protection Act, 2019 [hereafter '**CPA, 2019**'].

6. This Court has **heard** arguments addressed on behalf of the petitioner as well as the respondent, and has perused the material available on record.



2026:DHC:5636



7. Having carefully perused the case file and the material placed on record, this Court is of the opinion that though the learned senior counsel appearing for the petitioner has emphatically argued, and has also relied upon orders passed by the Predecessor/Coordinate Benches of this Court entertaining and even granting interim stay in such cases, on the premise that an order suffering from the defect of *coram non judice* is *non-est*, this Court is unable to agree with the contention that the present writ petition deserves to be entertained, since the orders placed on record by the respondent clearly reveal that the Hon'ble Supreme Court is presently seized of the very issue raised in the present petition and is examining the same in several statutory appeals.

8. In this regard, it would be apposite to set out the relevant portion of order dated 20.02.2024 passed by the Hon'ble Supreme Court in case of ***The New India Assurance Co. Ltd.*** (*supra*):

“1. One of the issue of seminal importance raised on behalf of the appellant is whether the composition of two-member Bench of a Tribunal like the National Consumer Disputes Redressal Commission ('NCDRC') must include a Judicial Member, who should also be the Presiding Member of the Bench. Since the determination of the issue is likely to have its impact on the composition of various Tribunals constituted under the different statutes, we request the learned Attorney General for India, duly assisted by one of the Additional Solicitor General, to assist the Court on the next date of hearing.”

9. Apart from the aforesaid order, various other orders of the Hon'ble Supreme Court have also been placed on record by both the petitioner and the respondent, which indicate that statutory appeals



2026:DHC:5636



involving the same issue are pending consideration before the Hon'ble Supreme Court.

10. Moreover, concededly, as per Section 67 of CPA, 2019, a statutory appeal against an order passed by the NCDRC lies directly before the Hon'ble Supreme Court, and the petitioner herein could have preferred the same.

11. This Court also takes note of the fact that, in the present case, the impugned order has been passed by a sole judicial member (President) of the NCDRC and not by a sole non-judicial member. Be that as it may, the petitioner's contention that the impugned order is vitiated on account of the alleged defect of *coram non jure* is a ground that can appropriately be urged before the Hon'ble Supreme Court in the statutory appeal.

12. In these circumstances, when the Hon'ble Supreme Court is already examining the issue raised in the present petition in a batch of appeals, and the statute, i.e. CPA, 2019 itself provides an efficacious appellate remedy before the Hon'ble Supreme Court, judicial propriety and discipline require this Court to refrain from examining the same issue in exercise of its writ jurisdiction.

13. Accordingly, this Court does not find any ground to entertain the present writ petition.

14. The present writ petition is, accordingly, dismissed. Pending applications also stand disposed of.

15. The petitioner shall, however, be at liberty to avail of such



2026:DHC:5636



remedies as may be available to it in law, including by preferring a statutory appeal before the Hon'ble Supreme Court, wherein all grounds available to it, including the plea of *coram non judice*, may be urged.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 14, 2026/vc