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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 597/2017, CM APPL.33429-33430/2017

CAPITAL INFRAPROJECTS PVT LTD

..... Appellant

Through: Mr. Debesh Panda with Mr. Neil
Chatterjee, Advocates.

versus

GOLDEN PALMS BUYERS ASSOCIATION & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

13.09.2017

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The appellant had challenged the jurisdiction of the National Consumer Disputes Redressal Commission to decide a complaint that involved several causes of action - contending that such clubbing was impermissible in terms of the provisions of the Consumer Protection Act, 1986. The amendment to the Act was pressed into service to say that the parliamentary silence in regard to the relevant provisions indicating the procedure for taking cognizance of complaints implies that such power to club several causes of action and entertain them through one complaint did not exist. The learned Single Judge declined to exercise jurisdiction after noticing the

petitioner/appellant's contentions that there exists a decision of the Larger Bench of the NCDRC in *Moulivakkam Trust Heights Flats Affected Buyers Association v. M/s Prime Sristi Housing Pvt. Ltd. & Ors.* (CC/560/2014) and other connected cases.

The appellants urged that the Court should not have declined to exercise jurisdiction which inheres in it given the law relating to writ of certiorari which is always available to those complaining of lack of jurisdiction of a statutory quasi judicial authority.

This Court is of the opinion that the refusal to exercise jurisdiction in the circumstances of the case was not warranted. In case the appellant has a grievance with respect to the clubbing of causes of action and wishes to urge that *Moulivakkam Trust Heights Flats Affected Buyers Association (supra)* was not decided correctly, it obviously has a right to say so in the pending proceedings. In case it wishes to urge that such issue should be first decided, the application may be filed. However, the NCDRC is at liberty to decide that application in accordance with law and according to its convenience.

The appeal is disposed of in the above terms.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 13, 2017

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