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

Date of Decision: 20.08.2019

+ LPA 483/2019

MAGNUM INTERNATIONAL TRADING COMPANY PVT LTD

..... Appellant

Through: Mr. Rajiv Nayar, Sr. Adv. with
Mr. Debesh Panda & Ms. Akriti Kataria, Advs.

versus

VIKAS DHAWAN & ORS

..... Respondents

Through: Mr. Satyabrata Panda & Ms. Kreeti
Joshi, Advs. for R-1
Mr. Vikas Dhawan, Adv. for R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CAV 738/2019

Since learned counsel for the caveator – respondent No.1 is present,
caveat stands discharged.

CM APPL.33251/2019 (*Exemption*)

Allowed, subject to all just exceptions.

Application stands disposed of.

LPA483/2019

1. This appellant is the original petitioner in W.P.(C) 7637/2019 which
is pending before the learned Single Judge.

2. This appellant (original petitioner) was in search of a stay order against an order passed by National Consumer Disputes Redressal Commission (hereinafter referred to as “NCDRC” for the sake of brevity). NCDRC had passed an order dated 18th March, 2019 (Annexure A-8 to the memo of this appeal), which is under challenge in the writ petition preferred by this appellant. The said order of NCDRC is about jurisdictional issues raised by this appellant, on the issue whether the claimed amount is more than Rs.1.00 crore or otherwise and whether the NCDRC has jurisdiction over these issues.

3. The aforementioned writ petition is already pending and the learned Single Judge has not granted stay against further proceedings by NCDRC and hence this appeal has been preferred. We have heard the counsel appearing for the appellant and counsel for the respondents and it is submitted that in Consumer Case No.97/2016 titled as ***Ambrish Kumar Shukla & Ors.vs. Ferrous Infrastructure Pvt. Ltd.*** which was decided by NCDRC vide order dated 7th October 2016 by the bench of three members is now referred to a bench of five members. This judgment was referred by NCDRC in the impugned order dated 18th March, 2019 (Annexure A-8 to the memo of this appeal), which is under challenge in W.P.(C) 7637/2019, preferred by this appellant (original petitioner) and the same is pending before the learned Single Judge. Hence, we find no reason to entertain this appeal at this stage mainly for the following reasons:

- (a) Issue about reference is now being made by NCDRC to the larger bench of five members, especially to consider/reconsider the ***Ambrish Kumar Shukla case*** (*supra*) can be agitated by the appellant (original petitioner) before the learned Single Judge in W.P.(C) 7637/2019.

- (b) The reference to the larger bench by NCDRC of *Ambrish Kumar Shukla's (supra)* case can also be agitated by this appellant as and when the complaint filed by the respondents herein is to be heard by NCDRC.
- (c) This appeal is against the rejection of the prayer for stay by the learned Single Judge in W.P.(C) 7637/2019 but the main writ petition is still pending before the learned Single Judge; and
- (d) Any other arguments which are available with this appellant and respondents can very well be raised before the learned Single Judge as well as before NCDRC as and when the complaint of the respondents is taken for hearing by NCDRC at Delhi.

4. With the aforesaid observations, we find no reason to entertain this appeal and the same is therefore dismissed.

CM APPL. 33250/2019 (Stay)

5. In view of the order passed in LPA 483/2019, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 20, 2019

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