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

% *Decided on 05.11.2019*

+ **W.P.(C) 8779/2007 & CM APPL. 16548/2007**

ZEE TURNER LTD. & ANR. Petitioners

Through: Mr. Tejveer Bhatia with Mr. Rohan Swarup, Advocates.

versus

SOCIETY OF CATALYSTS & ORS. Respondents

Through: Mr. Sushil Dutt Salwan with
Mr. Arjun Garg, Advocates.
Mr. Ranjeet Singh Sidhu, Advocate
for respondent no. 8.

+ **W.P.(C) 8780/2007 & CM APPL. 16551/2007**

INDUSLND MEDIA & COMMUNICATION LTD. &
ANR. Petitioners

Through: Mr. Tejveer Bhatia with Mr. Rohan Swarup, Advocates.

versus

SOCIETY OF CATALYSTS & ORS. Respondents

Through: Mr. Sushil Dutt Salwan with
Mr. Arjun Garg, Advocates.
Mr. Ranjeet Singh Sidhu, Advocate
for respondent no. 5.

+ **W.P.(C) 8836/2007 & CM APPL. 16651/2007**

HATHWAY CABLE & DATACOM P.LTD. & ANR..... Petitioners

Through: Ms. Priya Puri with Ms. Yati Sharma
and Ms. Srishti Sharma, Advocates.

versus
SOCIETY OF CATALYSTS & ORS Respondents
Through: Mr. Sushil Dutt Salwan with
Mr. Arjun Garg, Advocates.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

1. In the captioned matters challenge is laid by each of the writ petitioners to the common order dated 19.11.20017 passed by the State Commission (Delhi).
2. It is not in dispute that a statutory remedy under the Consumer Protection Act, 2019 (in short 'CPA') is available to the petitioners against the impugned order of the State Commission. The remedy lies with the National Consumer Disputes Redressal Commission ("NCDRC").
3. Mr. Salwan, who, appears on behalf of the respondents has in fact, placed before me an order dated 31.10.2019, passed in W.P. (C) 4777/2018, titled: *Vodafone Essar Mobile Services Ltd. Vs Soccity of Catalysts* to buttress his submission that the petitioners should be relegated to the remedy available under the CPA.
 - 3.1 Mr. Salwan informs me that in the *Vodafone* case a similar issue arose whereupon the petitioners withdrew their petition with liberty to prefer an appeal with the NCDRC.
 - 3.2 This Court, as in evident on perusal of the order dated 31.10.2019, directed the NCDRC to decide the matter on merits uninfluenced by the delay on preferring the appeal.
4. Having heard the learned counsel for the parties and given the

fact that a statutory remedy both by way of an appeal as well as by a revision is available to the petitioners, I am of the opinion that the issues raised in the captioned matters can be adjudicated by the NCDRC. As is apparent, the petitioners are not bereft of an efficacious alternate remedy.

5. The captioned writ petitions are accordingly disposed of with a direction that the writ petitioners should approach the NCDRC for ventilation of their grievance.

6. Needless to add, in computing the delay, the NCDRC will take into account the fact that petitioners were bonafidely prosecuting the captioned writ petitions before this Court.

7. Since there is an interim order dated 28.11.2007 operating in favour of the petitioners, the same will continue to operate for a further two weeks commencing from the date of receipt of a copy of the order to enable the petitioners to approach the NCDRC.

8. In case, the petitioners do not take recourse to a statutory remedy as indicated above within a period of four weeks from today, the interim protection granted by this Court will dissolve automatically.

9. Resultantly, the pending applications shall stand closed.

RAJIV SHAKDHER, J

NOVEMBER 05, 2019/c