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

% ***Date of decision: 04th October, 2024***

+ **CM(M) 1925/2024 & CM APPL. 10395/2024**

FIITJEE LTD

.....Petitioner

Through: **Mr. Mukesh Goyal, Advocate**
(through V.C.)

versus

HANS RAJ SHARMA

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition has been filed under Article 227 of the Constitution of India challenging order dated 16.10.2024 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC').
2. It was a revision petition which had been filed before learned NCDRC impugning order dated 02.12.2021 passed by the State Consumer Disputes Redressal Commission, Odisha, Cuttack in First Appeal No.256/2015.
3. Learned counsel for the petitioner submits that he does not press the present petition and merely seeks liberty to file appropriate review application before learned NCDRC.
4. Fact, however, remains that the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Cuttack, Orissa in view of judgment dated 04.03.2024 passed by Hon'ble Supreme Court in *Siddhartha S Mookerjee vs. Madhab Chand Mitter*, Civil Appeal Nos. 3915-16/2024, the petitioner should rather approach the concerned



jurisdictional High Court.

5. In *Siddhartha S Mookerjee* (supra), the Hon'ble Supreme Court has, very categorically, observed that merely because NCDRC had allowed petition, the jurisdiction would not vest with Delhi High Court and observing that since the cause of action had arisen in Kolkata and the matter had been dealt with by the State Commission of West Bengal, it was held that the jurisdiction of High Court of Calcutta should have been invoked.

6. Moreover, this Court has already vide detailed order dated 12.09.2024 passed in *M/S. TDI Infrastructure Ltd. vs. Birjendra Singh Mallik* in CM(M) No. 2933/2024 observed that in view of *Siddhartha S Mookerjee* (supra), any such petitioner should go to the "jurisdictional High Court".

7. In view of the above, the present petition is disposed of as not maintainable on account of lack of jurisdiction. All the rights and contentions of the parties are reserved.

8. Needless to say, the petitioner would be at liberty to invoke the jurisdiction of the jurisdictional High Court i.e. Orissa High Court by filing appropriate petition.

9. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

OCTOBER 04, 2024/st