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

+ CM(M) 412/2023, CM APPL. 12259/2023—stay, CM APPL. 52580/2023—by respondent for dismissal of petition on account of lack of territorial jurisdiction, CM APPL. 52842/2023—by respondent for vacation of stay

SUBH KARAN YADAV

..... Petitioner

Through: Mr. Mohit Yadav, Adv.

versus

HSIIDC

..... Respondent

Through: Dr. Hemant Gupta and Ms. Nitikaa
Guptha, Advs.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

10.04.2024

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1. The present petition has been filed under Article 227 of the Constitution of India impugning the order dated 08.12.2022 passed by learned National Consumer Disputes Redressal Commission, New Delhi (hereinafter referred to as “NCDRC”) in FA/858/2021 titled as “Haryana State Industrial and Infrastructure Development Corporation Ltd. (HSIIDC) vs. Subh Karan Yadav” whereby the appeal against the order of State Commission was allowed.

2. Learned counsel for the petitioner submits that the original complaint was filed before the learned State Consumer Disputes Redressal Commission, Panchkula, Haryana (hereinafter referred to as “SCDRC”) and



against the order passed by the SCDRC, an appeal was filed before the learned NCDRC, which came to be dismissed vide the impugned order.

3. After addressing some submissions, the learned counsel admits that the entire cause of action in the present case has arisen in Panchkula, Haryana except that the appeal before the learned NCDRC was filed in New Delhi. Moreover, in view of paragraphs 7, 8, 9 & 10 of the judgment of the Hon'ble Supreme Court in **Siddhartha S. Mookerjee & Anr. Vs. Madhab Chand Mitter & Anr.** [C.A. Nos. 3915-3916/2024], learned counsel seeks permission to withdraw the present petition with liberty to move before the appropriate forum as per law, within a period of four weeks from today.

4. The learned counsel for the respondent objects to submissions with respect to seeking liberty and contends that the petitioner has already accepted the cost which was tendered in pursuance to the impugned order.

5. In view of the above submissions, permission to withdraw with liberty as per law and as prayed for is granted.

6. Accordingly, the petition along with pending applications, stands disposed of.

SHALINDER KAUR, J.

APRIL 10, 2024

SDS