



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

%

Judgment reserved on: 02.09.2024

Judgment delivered on: 12.09.2024

+ **1) CM(M) 2955/2024 & CM APPL. 40487/2024**

THE GENERAL MANAGER PUNJAB NATIONAL BANK
AND ORSPetitioners

versus

ROHIT MALHOTRARespondent

+ **2) CM(M) 2933/2024 & CM APPL. 39598/2024**

M/S. TDI INFRASTRUCTURE LTD.Petitioner

versus

BIRJENDRA SINGH MALLIK SINCE DECESSEDNTHR LR
.....Respondent

+ **3) CM(M) 1818/2023 & CM APPL. 57668/2023**

M/S INDUS HOSPITALS, REP. BY ITS CHAIRMAN ..Petitioner

versus

RAJEEV LOCHAN SINGHRespondent

+ **4) CM(M) 1824/2023 & CM APPL. 57684/2023**

M/S INDUS HOSPITALS, REP. BY ITS CHAIRMAN .Petitioner

versus

RAJEEV LOCHAN SINGHRespondent

+ **5) CM(M) 1858/2023 & CM APPL. 43980/2024**

MAHINDRA AND MAHINDRA FARM DIVISIONPetitioner

versus

*CM(M) 2933/2024 &
Other connected matters*

1 of 41

Signature Not Verified

Digitally Signed
By: SONIA TAPLIYAL
Signing Date: 12.09.2024
16:21:28



SUMIT KUMAR & ORS.

....Respondent

+ **6) CM(M) 82/2024 & CM APPL. 2212/2024**
M/S INDIA FIRST LIFE INSURANCE CO LTD & ANR.
...Petitioners
versus

MS. SHAIK MUMTAJ & ANR.

.....Respondent

+ **7) CM(M) 2934/2024, CM APPL. 39608/2024 & CM APPL. 39609/2024**
TANEJA DEVELOPERS AND INFRASTRUCTURE LTD & ANR.
.....Petitioners
versus

RAJ KUMAR

.....Respondent

+ **8) CM(M) 2292/2024, CM APPL. 20314/2024 & CM APPL. 20315/2024**
VARMAN AVIATION PRIVATE LIMITED
.....Petitioner
versus
DIRECTORATE OF CIVIL AVIATION, GOVERNMENT OF BIHAR

.....Respondent

+ **9) CM(M) 2637/2024 & CM APPL. 30832/2024**
THE ORIENTAL INSURANCE CO. LTD.
...Petitioner
versus

RAVINDER SINGH KANG

.....Respond

+ **10) CM(M) 2892/2024**
INDRANI BAISHYA & ORS.
....Petitioner
versus

CHAIRMAN STATE BANK OF INDIA & ORS.Respondent

*CM(M) 2933/2024 &
Other connected matters*

2 of 41

Signature Not Verified

Digitally Signed
By: SONIA TAPLIYAL
Signing Date: 12.09.2024
16:21:28



+ **11) CM(M) 3099/2024, CM APPL. 44171/2024 & CM APPL. 44172/2024**

DHFL PRAMERICA LIFE INSURANCE COMPANY LTD

.....Petitioner

versus

SOHAN SINGH & ANR.

.....Respondent

+ **12) CM(M) 2407/2024, CM APPL. 24189/2024 & CM APPL. 24191/2024**

MAHINDRA AND MAHINDRA LTD. THROUGH ITS
MANAGER MAHINDRA AGRI SOLUTIONS LTD.

.....Petitioner

versus

PATEL SANGITABEN JAGDISHBHAI & ORS.Respondents

Memo of Appearance

For the Petitioners: Mr. Rajesh Kumar Gautam, Mr. Anant Gautam, Mr. Dinesh Sharma and Mr. Kushagra Nilesh Sahay, Advocates in CM(M) 2955/2024.
Ms. Kanika Agnihotri, Advocate in CM(M) 2933/2024 & CM(M) 2934/2024
Mr. Akshay Mann, Advocate in CM(M) 1818/2023 & CM(M) 1824/2023
Mr. Jayant K. Mehta, Senior Advocate, Mr. Anand Shankar Jha and Mr. Sachin Mintri, Advocates in CM(M) 1858/2023
Mr. Harsh Kaushik, Mr. Arpit Srivastava and Mr. Sachin A., Advocates in CM(M) 82/2024
Ms. Kanika Agnihotri, Advocate in CM(M) 2934/2024
Mr. G. Arudhra Rao, Mr. Dayaar Singla, Mr. Rohan A. Naik and Mr. Atharva Kotwal, Advocates in CM(M) 2292/2024
Mr. Shiv B. Chetry, Mr. Ratneswar Das and Ms. Barnali Deka Das, Advocates in CM(M) 2892/2024
Mr. Sanjay K. Chadha & Mr. Tauseef Ahmad, Advocates in CM(M) 3099/2024

*CM(M) 2933/2024 &
Other connected matters*

3 of 41

Signature Not Verified

Digitally Signed
By: SONIA TAPLIYAL
Signing Date: 12.09.2024
16:21:28



Mr. Anand Shankar Jha, Mr. Sachin Mintri and Ms. Meenakshi S. Devgan, Advocates in CM(M) 2407/2024

For the Respondents: Respondent-in-person in CM(M) 1818/2023 & CM(M) 1824/2023

Mr. Avadh Bihari Kaushik, Ms. Saloni Mahajan, Mr. Prateek Goyal and Mr. Rishabh Kumar, Advocates in CM(M) 2934/2024

Mr. R.K. Joshi, Advocate in CM(M) 2407/2024

Mr. Rajinder Gulati & Mr. Rajiv Bhasin, Advocates in CM(M) 1858/2023

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
JUDGMENT

MANOJ JAIN, J

1. A common question has arisen in all the abovesaid petitions and with the concurrence of all the concerned counsel, when these matters were heard on 01.08.2024, CM(M) 2933/2024 was agreed to be taken as a lead matter though the other counsel were also permitted to address arguments.

2. The question is whether an order passed by Hon'ble National Consumer Disputes Redressal Commission (in short "NCDRC"), while considering any appeal or revision impugning order passed by State Commission, other than the State Commission of Delhi, can be challenged under Article 227 of the Constitution of India before this Court or should any such petitioner go to the jurisdictional High Court where the cause of action, in the first instance, had arisen.

*CM(M) 2933/2024 &
Other connected matters*

4 of 41

Signature Not Verified

Digitally Signed
By: SONIA TAPLIYAL
Signing Date: 12.09.2024
16:21:28



3. Indubitably, the issue seems squarely covered in view of recent pronouncement dated 04.03.2024 of Hon'ble Supreme Court in *Siddhartha S Mookerjee vs. Madhab Chand Mitter* in Civil Appeal Nos. 3915-16/2024 and following the above pronouncement, many other similarly situated petitioners had withdrawn their respective petitions with liberty to approach the concerned jurisdictional High Courts.

4. However, few such petitioners contend otherwise and according to them, this Court continues to have jurisdiction to entertain such petitions and it is in the above backdrop that this Court has heard arguments in the abovesaid bunch of petitions in order to assess whether despite specific observations given by the Hon'ble Supreme Court in *Siddhartha S Mookerjee* (supra), this Court can entertain any such petition or not.

5. There is no dispute that such order passed by NCDRC, against which there is no remedy to file appeal, can be permitted to be tested by filing a petition under Article 227 of the Constitution of India. Reference in this regard be made to *Ibrat Faizan vs. Omaxe Buildhome Pvt. Ltd.*: 2023 (11) SCC 594.

5.1 In *Ibrat Faizan* (supra), a complaint was, initially, filed before Delhi State Consumer Redressal Forum.

5.2 Matter eventually reached NCDRC.

5.3 Order passed by NCDRC was initially challenged before learned Single Judge of this Court and the question posed to this



Court was that whether such petition under Article 227 of Constitution of India was maintainable. Such question, answered in affirmative by learned Single Judge of this Court, was assailed before the Hon'ble Supreme Court.

5.4 Hon'ble Supreme Court, relying on observations made by Constitution Bench of Hon'ble Supreme Court in *Associated Cement Companies Ltd. vs. P.N. Sharma & Anr.*: 1964 SCC online SC 62, came to conclusion that NCDRC could be regarded as a Tribunal within the meaning of Article 227 of the Constitution of India and/or Article 136 of the Constitution of India.

5.5 It also referred to another Constitution Bench decision of Hon'ble Supreme Court in *L. Chandra Kumar vs. Union of India & Ors.*: 1997 (3) SCC 261 and held that the High Court had not committed any error in entertaining writ petition under Article 227 of the Constitution of India against the order passed by NCDRC in an appeal under Section 58(1)(a)(iii) of Consumer Protection Act, 2019. It thus held that a writ petition under Article 227 of the Constitution of India was maintainable *before the concerned High Court*.

6. Thus, there is no qualm that against an order passed by NCDRC, a writ petition under Article 227 of the Constitution of India would be maintainable before the High Court.

7. The question is, however, which High Court?



8. Whether in view of the fact that situs of NCDRC is in Delhi, High Court of Delhi or whether in view of *Siddharth S Mookerjee (supra)*, the jurisdictional High Court where the original cause of action had arisen.

9. The relevant provisions of Consumer Protection Act, 2019 and of Constitution of India are extracted as hereunder: -

58. Jurisdiction of National Commission.—

(1) Subject to the other provisions of this Act, the National Commission shall have jurisdiction—

(a) to entertain—

(i) complaints where the value of the goods or services paid as consideration exceeds rupees ten crore:

Provided that where the Central Government deems it necessary so to do, it may prescribe such other value, as it deems fit;

(ii) complaints against unfair contracts, where the value of goods or services paid as consideration exceeds ten crore rupees;

(iii) appeals against the orders of any State Commission;

(iv) appeals against the orders of the Central Authority; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.

(2) The jurisdiction, powers and authority of the National Commission may be exercised by Benches thereof and a Bench may be constituted by the President with one or more members as he may deem fit:

Provided that the senior-most member of the Bench shall preside over the Bench.



(3) Where the members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a majority, but if the members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other members and such point or points shall be decided according to the opinion of the majority of the members who have heard the case, including those who first heard it:

Provided that the President or the other member, as the case may be, shall give opinion on the point or points so referred within a period of two months from the date of such reference.

67. Appeal against order of National Commission. —

Any person, aggrieved by an order made by the National Commission in exercise of its powers conferred by sub-clause (i) or (ii) of clause (a) of sub-section (1) of section 58, may prefer an appeal against such order to the Supreme Court within a period of thirty days from the date of the order:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period:

Provided further that no appeal by a person who is required to pay any amount in terms of an order of the National Commission shall be entertained by the Supreme Court unless that person has deposited fifty per cent. of that amount in the manner as may be prescribed.

Article 226. Power of High Courts to issue certain writs.—

(1) Notwithstanding anything in article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.



(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3) Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without—

(a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

(b) giving such party an opportunity of being heard, makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.

(4) The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32.

Article 227. Power of superintendence over all courts by the High Court.—

[(1) Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

(2) Without prejudice to the generality of the foregoing provision, the High Court may—

(a) call for returns from such courts;



(b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

(3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor.

(4) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces.

10. It will be now appropriate to take note of the aforesaid judgment given in *Siddhartha S. Mookerjee (supra)*.

10.1 In said case, admittedly, cause of action had arisen in Kolkata and the concerned complainant had filed complaint against the opposite party before *District Consumer Disputes Redressal Forum, Kolkata*.

10.2 Such complaint was rejected and, therefore, the complainant filed appeal before *State Consumer Disputes Redressal Commission, West Bengal at Kolkata*, which was allowed.

10.3 Such order was challenged before NCDRC by filing a revision and it was against the order passed by NCDRC that,



initially, a Special Leave to Appeal was filed before the Hon'ble Supreme Court.

10.4 However, in view of *Universal Sompo General Insurance Co. Ltd. v. Suresh Chand Jain and Anr.*: (2023) SCC OnLine SC 877, the Hon'ble Supreme Court granted liberty to such petitioner to approach the *jurisdictional High Court*.

10.5 Because of the fact that NCDRC was situated in Delhi, petitioner treated the High Court of Delhi as jurisdictional High Court and filed petition under Article 227 of the Constitution of India.

10.6 Learned single Judge of this Court issued notice and feeling aggrieved by issuance of such notice, the matter, again, reached Supreme Court.

10.7 The question was whether High Court of Delhi could be treated as jurisdictional High Court or not?

10.8 The Hon'ble Supreme Court answered the same by holding that the entire cause of action had arisen in Kolkata and merely because NCDRC had allowed the revision petition would not be a ground to vest jurisdiction in the High Court of Delhi.

11. Paras 9 & 10 of said judgment in *Siddhartha S. Mookerjee* read as under:-



“ 9. In our opinion, that can hardly be treated as a ground to invoke the jurisdiction of the High Court of Delhi. The respondent No.1 ought to have approached the High Court of Calcutta being aggrieved by the impugned judgment as the entire cause of action in the present case has arisen in Kolkata, where the patient was operated for ovarian cancer on 24th February, 2012, and expired on 30th July, 2014. The complaint case was filed at Kolkata based on the aforesaid cause of action. Merely, because the NCDRC has allowed the revision petitions filed by the appellants and the respondent no.2 would not be a ground to vest jurisdiction in the High Court of Delhi.

10. Accordingly, the appeals are allowed. The petitions filed before the High Court of Delhi are disposed of with liberty granted to the respondent no.1 to approach the High Court of Calcutta for seeking appropriate relief.....”

12. Thus, it is quite obvious that despite the fact that situs of NCDRC was in Delhi, the Hon’ble Supreme Court, in no uncertain terms, observed and held that since cause of action had arisen in Kolkata, the jurisdictional High Court would be Calcutta High Court and mere fact that the petition had been allowed by the NCDRC would not bestow any jurisdiction to High Court of Delhi.



13. Despite the above specific observations, petitioners herein claim that this Court does have the jurisdiction.

14. As already noticed above, the lead case is CM(M) 2933/2024 and Ms. Kanika Agnihotri, learned counsel has made submissions on behalf of petitioners in CM(M) 2933/2024 and CM(M) 2934/2024. Mr. Jayant K. Mehta, learned Senior Counsel for petitioner i.e. Mahindra and Mahindra Farm Division has made submissions in CM(M) 1858/2023 and Mr. Harsh Kaushik, learned counsel for petitioner i.e. M/s India First Life Insurance Co. Ltd. has argued in CM(M) 82/2024.

15. It is, now, time to take note of the contentions raised by them.

16. Prime contentions of Ms. Kanika Agnihotri, learned counsel can be summarized as under: -

(i) *The petition in question has been filed under Article 227 and a bare glimpse of the above provision would indicate that petition is maintainable before the High Court which has superintendence over any such Tribunal and since the Tribunal is situated within the territory and jurisdiction of this Court, this Court has clear-cut jurisdiction.*

(ii) *There is difference between appellate jurisdiction and revisional jurisdiction and in Siddhartha S. Mookerjee (supra), the revisional jurisdiction exercised by the NCDRC was under*



challenge whereas the petitioner in CM(M) 2934/2024 is aggrieved by the appellate jurisdiction invoked before NCDRC and, therefore, ratio applicable in Siddhartha S. Mookerjee (supra) is not ipso facto applicable.

(iii) In context of CM(M) 2934/2024, the petitioner was never aggrieved by the order passed by the State Commission of Punjab. Rather, it was the complainant who had challenged such order passed by said State Commission and since the appeal filed by the complainant was allowed by NCDRC, cause of action had arisen only consequent to such order passed in favour of the other side. Since 'cause of action' arose by virtue of order passed by NCDRC, this Court has jurisdiction to entertain the present petition.

(iv) Cause of action comprises of bundle of facts and the orders passed by revisional and appellate authority would also give fresh cause of action.

(v) Siddhartha S. Mookerjee (supra) is not in synchronization with the previous judgment of the Constitution Bench of Supreme Court of India in L Chandra (supra) and since the observations given by Constitution Bench of Supreme Court of India have binding effect, this Court is not bound by the observations given by Hon'ble Division Bench in Siddhartha S. Mookerjee (supra).



17. Ms. Kanika Agnihotri has also referred to *UOI & Ors. v. Adani Exports Ltd. & Anr.*: (2002) 1 SCC 567, *Kusum Ingots & Alloys Ltd. v. UOI & Anr.* (2004) 6 SCC 254, *Ambica Industries v. Commissioner of Central Excise*: 2007) 6 SCC 769, *Sterling Agro Industries Ltd. v. UOI & Ors.*: 2011 SCC OnLine Del 3162, *UOI v. Sanjeev Chaturvedi & Ors.*: SLP (C) No. 530 of 2022 and *Dr. Valsamma Chacko v. Leelamma Joseph & Ors.*: W.P. (C) 18689 of 2023, *B.C. Chaturvedi v. UOI & Ors.*: (1995) 6 SCC 749, *Hindustan Petroleum Corporation Ltd. v. Dilbhar Singh*: (Civil Appeal no. 6177 of 2004), *Rita Kesh v. Biswanath Singha*: (2018) SCC OnLine NCDRC 120, *Lucina Land Development Ltd. v. UOI & Ors.*: (2022) 2 SCC 161, *Universal Sompo General Insurance Co. Ltd. v. Suresh Chand Jain and Anr.*: (2023) SCC OnLine SC 877 and *Rajeev Chaturvedi v. Commissioner Jaipur Development Authority*: (2024) SCC OnLine Raj 365.

18. Mr. Jayant K. Mehta, learned Senior Counsel has contended that there is a fine distinction between Article 226 & Article 227 of the Constitution of India as the former confers jurisdiction based on ‘cause of action’ whereas latter merely confines to the ‘situs’ and, therefore, the aspect of situs cannot be ignored, particularly in view of specific observations made by Constitution Bench of Supreme Court of India in *L. Chandra Kumar* (supra). He has also relied upon *Union of India v. Alapan Bandyopadhyay*: (2022) 3 SCC 133 and *M/s Universal Sompo General Insurance Co. Ltd.*



18.1 According to Mr. Mehta, learned Senior Counsel, jurisdictional High Court as referred in *M/s Universal Sompo General Insurance Co. Ltd.* (supra) would be Delhi High Court only and no other High Court.

18.2 Mr. Jayant K Mehta, learned Senior Counsel has also, in his usual humble manner, submitted that *Siddhartha S. Mookerjee* (supra) does not take note of *Union of India v. Alapan Bandyopadhyay* (supra) and *L. Chandra Kumar* (supra) and, therefore, observations made therein would not bind this Court.

19. Mr. Harsh Kaushik, learned counsel has also supplemented Mr. Jayant K. Mehta, learned Senior Advocate and Ms. Kanika Agnihotri but has given another dimension to the aspect related to jurisdiction by coming up with a hybrid theory. According to him, though as per *Siddhartha S. Mookerjee* (supra), situs might be irrelevant but that does not mean that this Court cannot entertain any such petition. He has thus tried to take a ‘middle path’ while coming up with a harmonious construction and submits that even if the jurisdictional High Court, in context of cause of action may be some other High Court, the jurisdiction would vest not only with such other High Court but with this Court also, in view of situs and location of Tribunal.

20. Before taking up the contentions of the respondents and analyzing the overall situation, it is also important to note that the decisions given



in *L. Chandra Kumar* (supra) and *Union of India v. Alapan Bandyopadhyay* (supra) have already been referred to a larger Bench by Hon'ble Supreme Court in *Union of India v. Sanjeev Chaturvedi & Ors.* (supra).

21. According to the petitioners, mere reference of matter to a larger Bench would not mean that the settled legal position should not be followed and while referring to *Union Territory of Ladakh & Ors. vs. Jammu Kashmir National Conference & Anr.*: 2023 SCC OnLine SC 1140, it has been contended, and rightly so, that merely because any leading judgment passed by the Hon'ble Supreme Court is referred to a larger Bench or a review petition relating thereto was pending would not mean that the High Courts would not proceed to decide the matters on the basis of the law as it stood and, therefore, it was not open, unless specifically directed by the Hon'ble Supreme Court, to await an outcome of such reference or view.

22. Let us now also take note of the arguments of Mr. Avadh Bihari Kaushik, learned counsel for respondent in CM(M) 2434/2024.

23. His contentions can be enumerated as under: -

(i) *Mere fact that the order has been passed by NCDRC, located in Delhi, would not vest any jurisdiction to this Court.*



(ii) *Observations and directions contained in Siddhartha S. Mookerjee (supra) are very categoric and explicit and leaves no doubt of any nature whatsoever with respect to the fact that jurisdiction would vest with that Court only, where the cause of action had arisen.*

(iii) *Said observations are not per incuriam but very conscious observations, in synchronization with the changing times.*

(iv) *Cause of action is based on bundle of facts and one cannot be permitted to profess that jurisdiction would come into play as and when one feels aggrieved by the orders passed by a Tribunal or Court.*

(v) *The bundle of facts which need to be assessed would be limited to those before filing of any petition and merely because, thereafter, some judicial remedy was availed in terms of stipulated judicial hierarchy and the order(s) were passed in revision or appeal, such orders would not give any fresh lease of right or new cause of action.*

24. Reliance has been placed upon *Kusum Ingots & Alloys Ltd. v. Union of India*: (2004) 6 SCC 254, *Angika Development Society v. Union of India & Ors.*: W.P. (C) No. 11934 of 2023, *Department Purchase Central in Charge (DPC) Jute Corporation of India Vs. Tapan Kumar*



Barman & Ors. W.P. (C) 13628/2023 and Calcutta Gujarati Education Society v. Provident Fund Commissioner (2020) 19 SCC 380.

25. It may also be noted that respondent Mr. Rajeev Lochan Singh joined proceedings through *video conferencing* and stated that the petition would be maintainable in Delhi. Mr. R K Joshi, learned counsel for respondent in CM(M) No. 2407/2024 has, whereas, left it to the discretion of the Court to pass appropriate orders and has not made any other submission, either way.

26. It is now time to take up the precedents which have been cited at the Bar and which are germane to the issue of jurisdiction.

27. Let us first consider the pronouncement given in *L. Chandra Kumar (supra)* which is a Seven Judge Bench judgment.

27.1 The issues, which fell for consideration by the Hon'ble Supreme Court in said case, need to be noted. These were culled out in the opening paragraph as under: -

(1) Whether the power conferred upon Parliament or the State Legislatures, as the case may be, by sub-clause (d) of clause (2) of Article 323-A or by sub-clause (d) of clause (3) of Article 323-B of the Constitution, to totally exclude the jurisdiction of 'all courts', except that of the Supreme Court under Article 136, in respect of disputes and complaints referred to in clause (1) of Article 323-A or with regard to all or any of the matters specified in clause (2) of Article 323-B, runs counter to the power of judicial review conferred on the High Courts under Articles 226/227 and on the Supreme Court under Article 32 of the Constitution?



(2) Whether the Tribunals, constituted either under Article 323-A or under Article 323-B of the Constitution, possess the competence to test the constitutional validity of a statutory provision/rule?

(3) Whether these Tribunals, as they are functioning at present, can be said to be effective substitutes for the High Courts in discharging the power of judicial review? If not, what are the changes required to make them conform to their founding objectives?

27.2 The facts therein were very simple.

27.3 The matter related to Constitution (Forty-second Amendment) Act, 1976 whereby to secure speedy disposal of service matters, revenue matters and certain other matters of special importance in the context of the socio-economic development and progress, it was considered expedient to provide for administrative and other tribunals for dealing with such matters, while preserving the jurisdiction of the Hon'ble Supreme Court in regard to such matters under Article 136 of the Constitution and while also making certain modifications in the writ jurisdiction of the High Courts under Article 226.

27.4 Part XIV-A of the Constitution of India was inserted through said amendment which comprised Article 323-A and Article 323-B.

27.5 Article 323-A related to Administrative Tribunals whereas Article 323-B related to Tribunals for other matters.

27.6 Both the aforesaid Articles contained clauses, excluding the jurisdiction of all Courts, except the jurisdiction of Supreme Court under Article 136, with respect to the concerned disputes/matters.



27.7 The question for consideration was whether the power for judicial review conferred on the High Courts under Article 226/227 and upon the Hon'ble Supreme Court under Article 32 of the Constitution, could be taken away and while answering the abovesaid questions, it was held that the power of judicial review was a basic and essential feature of the Constitution and, therefore, the jurisdiction conferred on the High Courts under Article 226/227 and on the Supreme Court under Article 32 was part of the basic structure of the Constitution.

27.8 It was thus held that the exclusion of the jurisdiction of the High Courts under Article 226/227 and of Hon'ble Supreme Court under Article 32 was unconstitutional.

27.9 In context of the question whether these Tribunals could test the vires or not and whether said aspect should only be permitted to be tested by the High Courts, it was held that such Tribunals created under Article 323-A and Article 323-B possessed the competence to test the constitutional validity of the statutory provisions and rules. It was observed that all such decisions of these Tribunals, testing vires, would, however, be subject to the scrutiny before a Division Bench of the High Court within whose jurisdiction such Tribunal was situated.

27.10 It is, thus, very clear and evident from the ratio of the abovesaid judgment that such exclusion of jurisdiction of the High



Courts under Article 226/227 and of Supreme Court under Article 32 was held to be unconstitutional.

28. It will be worthwhile to extract relevant observations appearing in paras 79, 90, 92 and 99 of *L. Chandra* (supra). These read as under: -

“79. We also hold that the power vested in the High Courts to exercise judicial superintendence over the decisions of all courts and tribunals within their respective jurisdictions is also part of the basic structure of the Constitution. This is because a situation where the High Courts are divested of all other judicial functions apart from that of constitutional interpretation, is equally to be avoided.

.....

90. We may first address the issue of exclusion of the power of judicial review of the High Courts. We have already held that in respect of the power of judicial review, the jurisdiction of the High Courts under Articles 226/227 cannot wholly be excluded. It has been contended before us that the Tribunals should not be allowed to adjudicate upon matters where the vires of legislations is questioned, and that they should restrict themselves to handling matters where constitutional issues are not raised. We cannot bring ourselves to agree to this proposition as that may result in splitting up proceedings and may cause avoidable delay. If such a view were to be adopted, it would be open for litigants to raise constitutional issues, many of which may be quite frivolous, to directly approach the High Courts and thus subvert the jurisdiction of the Tribunals. Moreover, even in these special branches of law, some areas do involve the consideration of constitutional questions on a regular basis; for instance, in service law matters, a large majority of cases involve an interpretation of Articles 14, 15 and 16 of the Constitution. To hold that the Tribunals have no power to handle matters involving constitutional issues would not serve the purpose for which they were constituted. On the other hand, to hold that all such decisions will be subject to the jurisdiction of the High Courts under Articles 226/227 of the Constitution before a Division Bench of the High Court within whose territorial jurisdiction the Tribunal concerned falls will serve two purposes. While saving the power of judicial review of legislative action vested in the High Courts under Articles 226/227 of the Constitution, it will ensure that frivolous claims are filtered out through the process of adjudication in the



Tribunal. The High Court will also have the benefit of a reasoned decision on merits which will be of use to it in finally deciding the matter.

.....

92. We may add here that under the existing system, direct appeals have been provided from the decisions of all Tribunals to the Supreme Court under Article 136 of the Constitution. In view of our above-mentioned observations, this situation will also stand modified. In the view that we have taken, no appeal from the decision of a Tribunal will directly lie before the Supreme Court under Article 136 of the Constitution; but instead, the aggrieved party will be entitled to move the High Court under Articles 226/227 of the Constitution and from the decision of the Division Bench of the High Court the aggrieved party could move this Court under Article 136 of the Constitution.

.....

.....

99. In view of the reasoning adopted by us, we hold that clause 2(d) of Article 323-A and clause 3(d) of Article 323-B, to the extent they exclude the jurisdiction of the High Courts and the Supreme Court under Articles 226/227 and 32 of the Constitution, are unconstitutional. Section 28 of the Act and the “exclusion of jurisdiction” clauses in all other legislations enacted under the aegis of Articles 323-A and 323-B would, to the same extent, be unconstitutional. The jurisdiction conferred upon the High Courts under Articles 226/227 and upon the Supreme Court under Article 32 of the Constitution is a part of the inviolable basic structure of our Constitution. While this jurisdiction cannot be ousted, other courts and Tribunals may perform a supplemental role in discharging the powers conferred by Articles 226/227 and 32 of the Constitution. The Tribunals created under Article 323-A and Article 323-B of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the Tribunal concerned falls. The Tribunals will, nevertheless, continue to act like courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned. Section 5(6) of the Act is valid and constitutional and is to be interpreted in the manner we have indicated.”



29. The issues before the Constitution Bench have already been noted and evidently, the aspect or issue as to which High Court was to be moved for filing any petition under Article 227 was neither the subject matter nor was argued by any of the parties.

30. The above legal position was reiterated in *Union of India v. Alapan Bandyopadhyaya (supra)* and while approving the proposition laid down in *L. Chandra Kumar*, it was held that any decision of Tribunal, including the one passed under Section 25 of the Administrative Tribunals Act, 1985, *could be subjected to scrutiny only before High Court within whose jurisdiction the Tribunal concerned was situated.*

30.1 We may, now, note the broad facts of said case as well.

30.2 Said matter related to transfer of the Disciplinary Proceedings against the former Chief Secretary of the State of West Bengal, from Calcutta Bench to the Principal Bench, Delhi. Disciplinary proceedings were initiated against him for exhibiting conduct, unbecoming of a public servant.

30.3 However, Union of India sought transfer of the disciplinary proceedings from Kolkata Bench to the Principal Bench.

30.4 Such transfer of disciplinary proceedings was allowed by the Central Administrative Tribunal, Principal Bench, Delhi.

30.5 The Respondent, feeling aggrieved, challenged such order of Principal Bench, Delhi in Calcutta High Court.



30.6 The Calcutta High Court set aside the above-said order of transfer.

30.7 Applying the law laid down in *L. Chandra Kumar case*, Hon'ble Supreme Court held that the Principal Bench of the Central Administrative Tribunal at New Delhi, which passed the order transferring the proceedings to Delhi, fell within the territorial jurisdiction of High Court of Delhi at New Delhi and the order could be judicially reviewed by the High Court within whose territorial jurisdiction, the Bench passing the same was situated. Hence, the order of Calcutta High Court was held as without jurisdiction.

30.8 Evidently, therein, the issue merely related to the transfer of proceedings from one Bench of Central Administrative Tribunal to other.

31. The petitioners have strongly relied upon said two judgments and it has been contended that the "situs" has to be the sole governing factor.

32. This Court may highlight few things, right here.

33. Firstly, as already noted above, in *L. Chandra Kumar*, it was never in contemplation before the Constitution Bench of Hon'ble Supreme Court as to which would be the jurisdictional Court, competent to entertain any such petition under Article 227.

34. The issues were altogether different which were answered, very categorically, while holding that the exclusion of the jurisdiction of the



High Courts and the Hon'ble Supreme Court under Articles 226/227 and Article 32 of the Constitution was unconstitutional.

35. *Undoubtedly, while answering above, Hon'ble Supreme Court also observed that the decision of these Tribunals would, however, be subject to scrutiny before the High Court, within whose jurisdiction the Tribunal concerned falls.*

36. The above specific observation i.e. *within whose jurisdiction the Tribunal concerned falls*, seems to be the bedrock of the submissions of the petitioners.

37. However, as noted above, the issues before the Constitution Bench were primarily to the effect whether the exclusion of jurisdiction of the High Courts under Articles 226/227 and of the Hon'ble Supreme Court under Article 32 of the Constitution was permissible or unconstitutional and the specific answer to such crunch issues comprise the *ratio decidendi*, binding principle and binding precedent.

38. In *Career Institute Educational Society vs Om Shree Thakurji Educational Society*: 2023 SCC OnLine SC 586, Hon'ble Supreme Court laid down that *it is not everything said by a Judge when giving judgment that constitutes a precedent. The only thing in a Judge's decision binding as a legal precedent is the principle upon which the case is decided and, for this reason, it is important to analyse a decision and isolate from it the obiter dicta.*

CM(M) 2933/2024 &
Other connected matters

26 of 41

Signature Not Verified

Digitally Signed
By: SONIA TAPLIYAL
Signing Date: 12.09.2024
16:21:28



39. The aspect of assessment of jurisdictional High Court for filing a petition under Article 227, in context of said Act, was thus never in contemplation in *L. Chandra Kumar (supra)*.

40. It also needs to be emphasized that by virtue of said constitutional amendment, various Administrative Tribunals were set up across the country. As on date, there are 19 Benches and equal number of Circuit Benches in the Central Administrative Tribunal, all over India. NCDRC is, whereas, solitary National level Commission which not only has original jurisdiction but also receives appeals and revisions against the orders passed by State Commissions situated across the country.

41. The Consumer Protection Act, 2019 is a benevolent social legislation which lays down the rights of the consumers and provides for promotion and protection of their rights.

42. Law is never static and on account of complex issues posed to Constitutional Courts, every now and then, even the courts keep on evolving and come up with new principles while attuning to the varying needs and adapting to the changing times and trends.

43. There is a paradigm shift in approach while entertaining such petitions which involves a Tribunal exercising control over multiple States and *Siddharth S Mookerjee (supra)* is not the only instance.



44. Reference be made to *Ambica Industries (supra)* and *Calcutta Gujrati Education Society (supra)*, judgments of Hon'ble Supreme Court only.

45. Hon'ble Supreme Court of India in *Ambica Industries (supra)* was entertaining question in context of a Tribunal exercising its jurisdiction over *multiple tribunals located in different states*.

45.1 The appellant therein was carrying on business at Lucknow. It was also assessed at said place.

45.2 The matter related to assessment ultimately reached *Central Excise and Service Tax Appellate Tribunal (CESTAT), New Delhi* in appeal.

45.3 The said Tribunal was exercising jurisdiction in respect of cases arising within the territorial limits of the *State of Uttar Pradesh, National Capital Territory of Delhi and the State of Maharashtra*.

45.4 Having regard to the situs of the Tribunal, an appeal in terms of Section 35-G of the Central Excise Act, 1944 was filed before Delhi High Court.

45.5 Delhi High Court, relying on earlier judgment in *Bombay Snuff (P) Ltd. v. Union of India* [(2006) 194 ELT 264 (Del)] opined that, merely on the basis of situs, it had no territorial jurisdiction in the matter.



45.6 Hon'ble Supreme Court observed that the decisions operating in the field, which had been taken note of in *Kusum Ingots & Alloys Ltd.* [(2004) 6 SCC 254] would clearly go to show how the 'situs doctrine' had been given a go-by by making constitutional amendments. It also observed that in *Nasiruddin* AIR 1976 SC 331 and *Kusum Ingots & Alloys Ltd.* (2004) 6 SCC 254, the Court was not dealing with a question of this nature and, therefore, the same were not the authorities for the proposition that the High Court, which is situated at the same place as the situs of the tribunal, alone will have jurisdiction. It also noted that if the *cause of action doctrine* was given effect to, invariably more than one High Court might have jurisdiction, which was not contemplated. It also observed that it was not oblivious of another line of authority where the situs of the tribunal was held to be the basis for determination of the jurisdiction of the High Court but supplemented that in those decisions, however, the contentions which had been raised in the instant case did not arise for consideration.

45.7 Hon'ble Supreme Court, in *Ambica Industries (supra)*, observed as under in para 13 and 17.

13. The Tribunal, as noticed hereinbefore, exercises jurisdiction over all the three States. In all the three States there are High Courts. In the event, the aggrieved person is treated to be the dominus litis, as a result whereof, he elects to file the appeal before one or the other High Court, the decision of the High Court shall be binding only on the authorities which are within its jurisdiction. It will only be of persuasive value on the authorities functioning



under a different jurisdiction. If the binding authority of a High Court does not extend beyond its territorial jurisdiction and the decision of one High Court would not be a binding precedent for other High Courts or courts or tribunals outside its territorial jurisdiction, some sort of judicial anarchy shall come into play. An assessee, affected by an order of assessment made at Bombay, may invoke the jurisdiction of the Allahabad High Court to take advantage of the law laid down by it and which might suit him and thus he would be able to successfully evade the law laid down by the High Court at Bombay.

.....

17. There cannot be any doubt whatsoever that in terms of Article 227 of the Constitution of India as also Clause (2) of Article 226 thereof, the High Court would exercise its discretionary jurisdiction as also power to issue writ of certiorari in respect of the orders passed by the subordinate courts within its territorial jurisdiction or if any cause of action has arisen therewithin but the same tests cannot be applied when the appellate court exercises a jurisdiction over a tribunal situated in more than one State. In such a situation, in our opinion, the High Court situated in the State where the first court is located should be considered to be the appropriate Appellate Authority. The Code of Civil Procedure did not contemplate such a situation. It provides for jurisdiction of each court. Even a District Judge must exercise its jurisdiction only within the territorial limits of a State. It is inconceivable under the Code of Civil Procedure that the jurisdiction of the District Court would be exercisable beyond the territorial jurisdiction of the district, save and except in such matters where the law specifically provides therefor.

(emphasis supplied)

46. Resultantly, the order of Delhi High Court, which declared that it did not have jurisdiction merely because of the situs, was upheld.

47. The position is quite similar in context of NCDRC as well which exercises jurisdiction across the country, encompassing all States.

48. In *Kusum Ingots & Alloys Ltd.* (supra), question arose whether passing of legislation by itself would give any rise to a cause of action to



file a Writ Petition and whether such petition could be filed where the situs i.e. Parliament or State legislature was located. The appellant company was registered in Mumbai and in relation to default in repayment of loan, the bank issued notice under the *Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002*. The company challenged the validity of said Act before Delhi High Court but the writ petition was dismissed on the ground of territorial jurisdiction. Upholding such order, Hon'ble Supreme Court observed that a writ petition questioning the constitutionality of a parliamentary Act shall not be maintainable in the High Court of Delhi only because the seat of the Union of India is in Delhi.

49. The next in line is *Calcutta Gujarati Education Society v. Provident Fund Commr (supra)*.

49.1 In said case, the initial order was passed by Competent Authority, namely, the Assistant Provident Fund Commissioner, Calcutta.

49.2 The order passed by said Authority was challenged before the Appellate Tribunal located in Delhi.

49.3 The said Society, while being aggrieved by the order passed by the Employees Provident Fund Appellate Tribunal, New Delhi approached Calcutta High Court.



49.4 Since the order was passed by the Appellate Tribunal situated at New Delhi, the Calcutta High Court declined to entertain the writ petition, holding that it had no jurisdiction as the situs of the Tribunal was at New Delhi, which was outside its territorial jurisdiction.

49.5 The appellant Society, feeling aggrieved, filed appeal before the Hon'ble Supreme Court.

49.6 In said case, as noted, though the original Competent Authority was of Calcutta which had passed the order in first instance, the writ petition was returned for want of jurisdiction as situs of Tribunal was in Delhi. Such order of High Court of Calcutta was, however, set aside while holding as under:-

“6. Insofar as that aspect of the matter as already noted in the instant case, the original authority, namely, the Assistant Provident Fund Commissioner, Calcutta situated in West Bengal and the order dated 20-10-2005 was passed by the authority under the provisions of the Employees Provident Fund Act at Calcutta. The appeal provided under Section 7-I of that Act would, however, lie to the Tribunal situate at New Delhi. If that be the position, the original authority is situate, within the jurisdiction of the Calcutta High Court. On the aspect relating to the jurisdiction to entertain the writ petition at the place where the original authority is situate, the issue is no more res integra inasmuch as this Court while considering the matter in Ambica Industries v. CCE [Ambica Industries v. CCE, (2007) 6 SCC 769] has addressed such issue.

.....

.....

10. If the said enunciation of law is kept in view, as already taken note, in the instant case the original order passed is by the Assistant Provident Fund Commissioner situate at Calcutta, West Bengal and the Calcutta High Court



can exercise territorial jurisdiction. In that light, we are of the view that the Calcutta High Court was not justified in its decision to decline to entertain the writ petition.”

50. *Siddhartha S Mookerjee (supra)* also follows the same line.

51. Evidently, the position cannot be equated when such Commission exercises jurisdiction spread over multiple States. In any such situation, the situs ought not to be the governing factor and one has to find out as to where the original action was initiated and thus the jurisdiction should also vest with concerned jurisdictional High Court only, irrespective of the fact whether such Tribunal was situated, elsewhere.

52. This Court is also mindful of the benevolent objective which seems achieved, *albeit in the hindsight*, by asking any such litigant to rather go to the High Court in whose jurisdiction, the original action was filed. It is, obviously, much convenient to the concerned litigant/consumer as well.

53. In *Union of India Vs Sanjiv Chaturvedi (supra)*, whereby, the decisions in *L Chandra Kumar* and *Alapan* have been referred to a Larger Bench, the Hon’ble Supreme Court noted the submission made by Shri Shyam Divan, learned Senior Advocate that under the constitutional scheme, the remedies under Article 226 and Article 227 were extremely valuable remedies available to citizens where they reside or carry on business or were posted. The scheme did not require citizens to come exclusively all the way to Delhi to seek redressal. Thus, limiting such



remedy would be contrary to the spirit of the Constitution, contrary to the spirit and principle of access to justice and contrary to the basic structure of the Constitution which enables judicial review across the country and not at one concentrated location.

54. In Ibrat Faizan (supra) also, it has been observed as under:-

“21. No so far as the remedy which may be available under Article 136 of the Constitution is concerned, it cannot be disputed that the remedy by way of an appeal by special leave under Article 136 of the Constitution may be too expensive and as observed and held by this Court in L. Chandra Kumar [L. Chandra Kumar v. Union of India, (1997) 3 SCC 261 : 1997 SCC (L&S) 577] , the said remedy can be said to be inaccessible for it to be real and effective. Therefore, when the remedy under Article 227 of the Constitution before the High Court concerned is provided, in that case, it would be in furtherance of the right of access to justice of the aggrieved party, may be a complainant, to approach the High Court concerned at a lower cost, rather than a special leave to appeal under Article 136 of the Constitution.”

55. Therefore, applying the same analogy, by allowing petitions to be filed only in Delhi High Court merely on the basis of situs, may also jeopardize the right of access to justice, particularly when no cause of action had even arisen in Delhi.

56. As per section 53 of Consumer Protection Act, the Central Government may, by notification, establish Regional Benches of the National Commission, at such places, as it deems fit. Naturally, if these



are established, any order passed by any such Regional Bench can only be challenged before the jurisdictional High Court.

57. With the advent of technological advancement seen in modern era, any existing Bench can also be designated as a Regional Bench which can hear the matter through video-conferencing, even while stationed in Delhi. In said situation also, mere situs may not properly answer the issue of jurisdiction.

58. Sh. Avadh Bihari Kaushik, learned counsel for respondent has apprised that earlier, several ‘circuit Benches’ were constituted by NCDRC and sittings took place at different locations. In such a situation as well, the petition cannot lie in Delhi merely because of the fact that the main situs of NCDRC continues to be in Delhi.

59. Fact remains that in *Siddhartha S Mookerjee* (supra), it has been very categorically held that mere situs would not confer jurisdiction to Delhi High Court and, therefore, the concerned party was directed to approach the jurisdictional High Court.

60. This Court is unable to subscribe to the contention of the petitioners that said judgment is not binding or is *per incuriam*.

61. This Court also notes that in *Siddhartha S Mookerjee* (supra), the Hon’ble Supreme Court made reference to *Universal Sompo General Insurance Co. Ltd.* (supra).



62. In *Universal Sompo General Insurance Co. Ltd.* (supra), NCDRC dismissed the first appeal filed before it by the petitioner and thereby affirmed the order passed by State Commission, Delhi. Such order was challenged by the petitioner by filing a Special Leave Petition under Article 136 of the Constitution of India. The question was whether such Special Leave Petition could be entertained without asking any such petitioner to first go before the *jurisdictional High Court*.

63. Hon'ble Supreme Court extensively referred to *Ibrat Faizan* (supra) and also noted *L. Chandra Kumar* (supra) and *Associated Cement Companies Ltd.* (supra) and came to the conclusion that the petitioner should rather be asked to first go to the jurisdictional High Court.

64. Para 38 and para 42 of said judgment read as under:-

“38. In the aforesaid view of the matter, we have reached to the conclusion that we should not adjudicate this petition on merits. We must ask the petitioner herein to first go before the jurisdictional High Court either by way of a writ application under Article 226 of the Constitution or by invoking the supervisory jurisdiction of the jurisdictional High Court under Article 227 of the Constitution. Of course, after the High Court adjudicates and passes a final order, it is always open for either of the parties to thereafter come before this Court by filing special leave petition, seeking leave to appeal under Article 136 of the Constitution.

42. In the result, this petition is disposed of with liberty to the petitioner to approach the jurisdictional High Court and challenge the order passed by the NCDRC, in accordance with law.”



65. This Court must also lay emphasis that the words used in para 38 of the above judgment are “jurisdictional High Court” and not “Delhi High Court”.

66. Cause of action is bundle of facts existing at the stage of pre-institution of any case. After filing of case, merely because of the fact that the orders were passed, during the course of its legal journey, by a Superior Court or Authority should not be equated with accrual of any fresh cause of action.

67. Ms. Kanika Agnihotri, learned counsel for petitioner has strongly relied upon *Dr. Valsamma Chacko* (supra) and has contended that in virtually similar fact-scenario, the Hon’ble High Court of Kerala at Ernakulam has dismissed writ petition filed under Article 227, holding that since NCDRC fell within the territorial jurisdiction of Delhi High Court, said court i.e. High Court of Kerala had no supervisory jurisdiction.

68. It is important to mention that though the judgment in said case was delivered by the High Court of Kerala on 31.07.2024, the concerned parties did not draw the attention of the Court to the above said pronouncement of *Siddhartha S Mookerjee* (supra) and, therefore, this Court, very humbly, is not persuaded by said pronouncement of High Court of Kerala.



69. In view of foregoing discussion, it is quite apparent that as per the *ratio decidendi* and the binding principle in *L. Chandra Kumar* (supra) the exclusion of High Courts and Hon'ble Supreme Court for the purposes of filing petitions under Article 226/227 and Article 32 respectively was held as unconstitutional. As noted already, the issue before the Constitution Bench of Hon'ble Supreme Court in said case was never in relation to the situs i.e., to which High Court any such petition under Article 227 could be filed.

70. The Authority in question i.e. NCDRC is a National Commission which entertains appeals and revisions, emanating from the orders passed by State Commissions situated across the country and keeping in mind the aforesaid unique feature of said Commission, it cannot be permitted to be contended that decision given in *Siddhartha S Mookerjee* (supra) would not be a binding one.

71. Moreover, *Ambica Industries* (supra) and *Calcutta Gujarati* (supra) also go on to hold that situs would not be a deciding factor where any such Tribunal or Authority exercises control over multiple States.

72. The words "jurisdictional High Court" as used in *Universal Sompo General Insurance Co. Ltd* (Supra) cannot be automatically inferred to be Delhi High Court only. In *Ibrat Faizan* (supra), which related to a matter pertaining to NCDRC only, the Hon'ble Supreme Court held that the aggrieved party would be required to approach the 'concerned High



Court' having jurisdiction under Article 227 of Constitution of India and such phrases "concerned High Court" and "Jurisdictional High Court" would not *ipso facto* mean "Delhi High Court", more particularly, in view of *Siddhartha S Mookerjee* (Supra).

73. Resultantly, all the present petitions are disposed of while holding that these petitions are not maintainable before this Court for want of jurisdiction. Needless to say, the petitioners would, always, be at liberty to pursue appropriate remedy by filing petitions before the respective jurisdictional High Courts.

74. As per facts disclosed in these petitions, the following chart would indicate as to where the cause of action had arisen in the first instance: -

S. No.	CM(M)	Parties	Authority where action was taken in first instance
1	2955/2024	The General Manager Punjab National Bank & Ors. Vs. Rohit Malhotra	District Consumer Disputes Redressal Forum, Ferozepur, Punjab
2	2933/2024	M/s TDI Infrastructure Ltd. Vs. Birjendra Singh Mallik Since Deceased Thr LR	State Consumer Disputes Redressal Commission, Haryana at Panchkula
3	1818/2023	M/s Indus Hospitals, Rep. By its Chairman Vs. Rajeev Lochan Singh	District Consumer Disputes Redressal Forum-II at Visakhapatnam.
4	1824/2023	M/s Indus Hospitals, Rep. By	District Consumer

CM(M) 2933/2024 &
Other connected matters

39 of 41

Signature Not Verified

Digitally Signed
By: SONIA TAPLIYAL
Signing Date: 12.09.2024
16:21:28



		its Chairman Vs. Rajeev Lochan Singh	Disputes Redressal Forum-II at Visakhapatnam
5	1858/2023	Mahindra and Mahindra Farm Division Vs. Sumit Kumar & Ors.	District Consumer Disputes Redressal Forum, Sonapat, Haryana
6	82/2024	M/s India First Life Insurance Co. Ltd. & Anr. Vs. Ms. Shaik Mumtaj & Anr.	District Consumer Disputes Redressal Commission No. 1, Visakhapatnam, Andhra Pradesh
7	2934/2024	Taneja Developers and Infrastructure Ltd. & Anr. Vs. Raj Kumar	State Consumer Disputes Redressal Commission, Punjab at Chandigarh
8	2292/2024	Varman Aviation Private Limited Vs. Directorate of Civil Aviation, Government of Bihar	State Consumer Disputes Redressal Commission, Patna, Bihar
9	2637/2024	The Oriental Insurance Co. Ltd. Vs. Ravinder Singh Kang	State Consumer Disputes Redressal Commission, Punjab at Chandigarh
10	2892/2024	Indrani Baishya & Ors. Vs. Chairman State Bank of India & Ors.	Assam State Consumer Disputes Redressal Commission, Guwahati
11	3099/2024	DHFL Pramerica Life Insurance Company Ltd. Vs. Sohan Singh & Anr.	State Consumer Disputes Redressal Commission, Punjab at Chandigarh
12	2407/2024	Mahindra and Mahindra Ltd. Through its Manager Mahindra Agri Solutions Ltd.	Gujarat State Consumer Disputes Redressal Commission at

CM(M) 2933/2024 &
Other connected matters

40 of 41

Signature Not Verified

Digitally Signed
By: SONIA TAPLIYAL
Signing Date: 12.09.2024
16:21:28



		Vs. Patel Sangitaben Jagdishbhai & Ors.	Ahmedabad
--	--	--	-----------

75. This Court also makes it clear that the impugned orders passed by NCDRC in the present bunch of petitions have not been gone into and tested by this Court at all and the present petitions have been disposed of only on the ground of lack of jurisdiction.

76. This Court acknowledges and appreciates the wonderful assistance rendered by learned counsel for both the sides.

(MANOJ JAIN)
JUDGE

September 12, 2024
st/dr/sw

*CM(M) 2933/2024 &
Other connected matters*

41 of 41