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

% ***Date of decision: 26th September, 2024***

+ **CM(M) 949/2022 & CM APPL. 40201-40202/2022**

SHELTER MAKER I PVT LTD & ORS.

.....Petitioner

Through: Mr. Akshit Pradhan, Advocate.

versus

KAMALKUMAR S BHAGHERIA & ORS.

.....Respondent

Through: Mr. Paban K. Sharma, Advocate.

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 23.12.2021 in First Appeal No. 282/2015 and order dated 04.03.2022 in Review Application No. 19/2022 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC').
2. The above matter was filed before NCDRC impugning order dated 25.02.2015 passed by the State Consumer Disputes Redressal Commission, Maharashtra in Complaint No.227/2010.
3. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Bombay High Court, 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.

4. 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.

5. 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".

6. 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.

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

8. When this petition was entertained, the operation of impugned order was directed to be stayed. It is ordered that impugned order shall remain stayed for a period of three weeks from today. This is to ensure that there is no prejudice to the petitioner in the interregnum.

9. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 26, 2024/ss