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

+ CM(M) 2760/2024

RAHUL DUBEY

.....Petitioner

Through: Mr. Rajat Kapoor, Advocate.

versus

SATYAM DEVELOPERS & ANR.

....Respondents

Through: None

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**ORDER**

% **08.07.2024**

**CM(M) 2760/2024 & CM APPL. 37365/2024 (for withdrawal)**

1. The present petition has been filed under Article 227 of the Constitution of India challenging order dated 18.03.2024 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC') in First Appeal No. 686/2021.
2. Admittedly, said Appeal had been filed before NCDRC impugning order dated 16.09.2021 passed by the State Consumer Disputes Redressal Commission, Maharashtra, in Complaint No.CC/17/775.
3. Since the cause of action pertaining to the present subject matter has arisen within the jurisdiction of Maharashtra, relying upon order dated 04.03.2024 passed by the Hon'ble Supreme Court in *Siddhartha S Mookerjee vs. Madhab Chand Mitter*, Civil Appeal Nos. 3915-16/2024, learned counsel for appellant prays that he may be permitted to withdraw the present petition with liberty to approach the jurisdictional High Court within



six weeks from today.

4. This Court has gone through said order wherein the Hon'ble Supreme Court has, very categorically, observed that merely because NCDRC had allowed revision 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. The situation is precisely the same here, too.

6. The petition stands disposed of as withdrawn. Liberty, as prayed for, is granted.

7. It is, however, made clear that this Court has not expressed any opinion, whatsoever, over the merits of the case.

**MANOJ JAIN, J**

**JULY 8, 2024**  
**st**