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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of decision: 04th September, 2024*

+ CM(M) 2841/2024 & CM APPL. 36539/2024
M/S. UNISHIRE HOMES LLP

.....Petitioner

Through: Mr. Ashutosh, Advocate.

versus

SRIGANESH CHANDRASEKARAN AND OTHERS

.....Respondents

Through: Mr. C. Bhattacharyya, Advocate for
R-1 to 10.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T** (oral)

1. Petitioner M/s Unishire Home LLP has filed the present petition under Article 227 of the Constitution of India and challenges order dated 19th October, 2023 passed by the Hon'ble National Consumer Dispute Redressal Commission (in short NCDRC).
2. On the last date, learned counsel for respondent Nos. 1 to 10 informed that they themselves had also challenged the same very order by filing a Civil Appeal before the Hon'ble Supreme Court of India vide diary No. 35842/2024.
3. The petitioner herein sought adjournment to confirm about the factum of aforesaid filing of the appeal by said respondents.
4. Mr. Srivastava, learned counsel for petitioners, has joined the proceeding through Video Conferencing and admits that though such appeal has been filed but supplements that the same has yet not been listed and,



therefore, he may be permitted to continue with the present petition filed under Article 227 of the Constitution of India.

5. The petitioner does not even wish to wait for the outcome of said appeal and insists for hearing.

6. Though, admittedly, the supervisory jurisdiction can be invoked by filing petition under Article 227 of Constitution of India before filing any petition or appeal in Supreme Court of India, it would be highly improper and inappropriate for this Court to take up the present matter when the same very order, which is impugned before this Court, has been challenged by aforesaid respondents by filing appeal before the Hon'ble Supreme Court of India.

7. This petition, therefore, does not become entertainable in view of the aforesaid peculiar aspect.

8. Present petition stands disposed of in the aforesaid terms.

9. Needless to say, it is always open to the petitioner to file appropriate petition before the Hon'ble Supreme Court of India and to get the same tagged with the aforesaid appeal.

(MANOJ JAIN)
JUDGE

SEPTEMBER 4, 2024/ss