



\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 11th September, 2024***+ **CM(M) 1570/2023 & CM APPL. 43551/2024****KANCHAN SINGH**

.....Petitioner

Through: Mr. Naman Tondon, Advocate.

versus

BULA MUKHERJEE & ORS.

.....Respondents

Through: None.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)****CM APPL. 53155/2024 & CM(M) 1570/2023**

1. Mr. Naman Tondon, learned counsel for the petitioner has requested to pre-pone the date in the present matter. Heard. Allowed. Matter is taken up right away.
2. The present petition has been filed under Article 226 of the Constitution of India challenging order dated 22.06.2023 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC') in Revision Petition No. 536 of 2015.
3. Said Revision Petition was filed before NCDRC impugning order dated 30.01.2015 passed by the State Consumer Disputes Redressal Commission, West Bengal in CC No.166/2010.
4. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of West Bengal, relying upon 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, learned counsel for petitioner prays that he may be permitted to withdraw the present petition with liberty to approach the jurisdictional High Court situated at Calcutta.

5. This Court has gone through the above said order wherein 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.

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 The petition stands disposed of as withdrawn.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.

8. The next date i.e. 03.10.2024 stands cancelled.

(MANOJ JAIN)
JUDGE

SEPTEMBER 11, 2024/ss