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

+ W.P.(C) 13628/2023 & CM APPL. 53759/2023

DEPARTMENT PURCHASE CENTRAL IN CHARGE (DPC) JUTE
CORPORATION OF INDIA Petitioner

Through: Mr. Ashutosh Lohia, Ms. Shraddha
Bhargava and Mr. Gaurav Anand,
Advocates.

versus

SRI TAPAN KUMAR BARMAN & ORS. Respondents

Through: Mr. Apoorva Bhumes and Ms.
Madhvavi Khare, Advocates for R-1.
Ms. Chitra Bhanu Gupta, Advocate
for R-12.

(39)

+ W.P.(C) 13669/2023 & CM APPLs. 54006/2023, 54007/2023

DEPARTMENT PURCHASE CENTRAL IN CHARGE (DPC) JUTE
CORPORATION OF INDIA Petitioner

Through: Mr. Ashutosh Lohia, Ms. Shraddha
Bhargava and Mr. Gaurav Anand,
Advocates.

versus

MAJIR ALI BYAPARI & ORS. Respondents

Through: Mr. Apoorva Bhumes and Ms.
Madhvavi Khare, Advocates for R-4.
Ms. Pratima N. Lakra, CGSC for R-9.
Ms. Archana Kumari, GP for UoI.
Ms. Chitra Bhanu Gupta, Advocate
for R-12.

(40)

+ W.P.(C) 13670/2023 & CM APPLs. 54008/2023, 54009/2023

DEPARTMENT PURCHASE CENTRAL IN CHARGE (DPC) JUTE
CORPORATION OF INDIA Petitioner



Through: Mr. Ashutosh Lohia, Ms. Shraddha Bhargava and Mr. Gaurav Anand, Advocates.

versus

SRI DULAL CHANDRA CHANDA & ORS. Respondents

Through: Mr. Apoorva Bhumesb and Ms. Madhvavi Khare, Advocates for R-1. Ms. Chitra Bhanu Gupta, Advocate for R-12.

(41)

+ W.P.(C) 13671/2023 & CM APPLs. 54010/2023, 54011/2023

DEPARTMENT PURCHASE CENTRAL IN CHARGE (DPC) JUTE CORPORATION OF INDIA LTD. Petitioner

Through: Mr. Ashutosh Lohia, Ms. Shraddha Bhargava and Mr. Gaurav Anand, Advocates.

versus

SMT KRISHNA BARMAN & ORS. Respondents

Through: Ms. Chitra Bhanu Gupta, Advocate for R-12.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

22.05.2024

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1. Considering the fact that the present writ petitions arises out of the same impugned order, W.P.(C) 13628/2023 is taken up as a lead matter.
2. This writ petition challenges the Judgment and Order dated 05.04.2021 passed by the National Consumer Disputes Redressal Commission (NCDRC).
3. An objection for territorial jurisdiction has been raised by learned



Counsel for the Respondent stating that other than the fact that the Revisional Authority happens to be in Delhi, no part of the cause of action has arisen within the territorial jurisdiction of this Court.

4. Learned Counsel for the Respondent places reliance on an Order dated 04.03.2024 passed by the Apex Court in Siddhartha S Mookerjee & Anr. v. Madhab Chand Mitter & Anr., **CIVIL APPEAL No.3915-16/2024**.

The relevant portion of the said order reads as under:-

“6. Initially, the respondent no.1 had filed petitions for special leave to appeal 8 before this Court challenging the order dated 26th August, 2022, passed by the SCDRC. However, in view of the judgment of this Court in Universal Sompo (supra) liberty was granted to him to approach the jurisdictional High Court.

7. Treating the High Court of Delhi as the jurisdictional High Court, the respondent no.1 has filed petitions under Article 227 of the Constitution of India. Notice was issued on the said petitions on 04th October, 2023, on the adjudication of jurisdictional aspect. This is what has brought the appellants before this Court.

8. Learned counsel for the respondent no.1 contends that the jurisdictional High Court in the instant case ought to be treated as the High Court of Delhi, inasmuch as the judgment impugned before the High Court was passed by the NCDRC at Delhi.

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.”

5. In the facts of this case, the initial complaint was filed before the District Forum at Cooch Behar, West Bengal. An appeal was preferred before the State Consumer Disputes Redressal Commission in West Bengal, against which the revision has been filed before the NCDRC. The office of the Petitioner is also in West Bengal.
6. When this Court suggested to the learned Counsel for the Petitioner that this Court is not inclined to entertain this writ petition on the ground of territorial jurisdiction, learned Counsel for the Petitioner seeks permission to withdraw the present writ petitions with liberty to take appropriate steps in accordance with law.
7. The amount of Rs.50 lakhs deposited in this Court which was directed to be deposited as a condition precedent for issuance of notice be released to the Petitioner.
8. It is needless to state that this Court is not entertaining the writ petition only on the ground of territorial jurisdiction. It is made clear that this Court has not made any observation on the merits of the case.
9. It is needless to state that the benefit of Section 14 of the Limitation Act would come to the aid of the Petitioner and the date of filing of the present writ petition till the disposal of the present writ petition shall be taken into consideration while calculating limitation.



10. In view of the above, the writ petitions are disposed of along with pending application(s), if any.

MAY 22, 2024

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SUBRAMONIUM PRASAD, J