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

+ CM(M) 1847/2023 & CM APPL. 58664/2023 (stay)

ASTER EYE HOSPITAL & ANR.Petitioners

Through: Mr. Salil Paul, Mr. Sahil Paul, Mr.
Sandeep Dayal, Advocates with
petitioner in person.

versus

MASTER ANKITRespondent

Through:

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

03.12.2024

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1. The present petition has been filed under Article 227 of the Constitution of India challenging the order dated 16.06.2023 passed in I.A. 450/2021 in REV. PET. 44/2021 passed by the National Consumer Disputes Redressal Commission ['NCDRC'].
2. Since the cause of action pertaining to the present subject matter has arisen within the jurisdiction of Punjab and Haryana High Court, relying on the judgment dated 04.03.2024 passed by the Supreme Court in the case of **Siddhartha S Mookerjee & Anr. Vs. Madhab Chand Mitter & Anr.** [Civil Appeal No. 3915-16/2024], learned counsel for the petitioner prays that the petitioner may be permitted to withdraw the present petition with liberty to approach the jurisdictional High Court.
3. The Court has gone through the aforesaid order, where the Supreme



Court has categorically stated that merely because NCDRC had allowed the petition, the jurisdiction would not vest with the Delhi High Court and observing that since the cause of action has arisen in Kolkata and the matter has been dealt with by the State Commission of West Bengal, it was held that jurisdiction of the High Court of Calcutta should have been invoked.

4. The Delhi High Court, also vide judgment dated 12.09.2024 passed in **General Manager, Punjab National Bank and Ors. Vs. Rohit Malhotra** [2024 SCC OnLine Del 6145], observed that in view of **Siddhartha S Mookerjee** (supra), any such petitioner should go to the “Jurisdictional High Court”.

5. Learned counsel for petitioner has pointed out that vide order dated 10.11.2023, this Court had stayed the execution proceedings subject to deposit of the amount awarded by the District Consumer Disputes Redressal Forum, which has been deposited by the petitioner. He further submits that he would file an appropriate application before the jurisdictional High Court for the transfer of the money so deposited with this Hon’ble Court.

6. The petition accordingly stands disposed of as withdrawn with liberty, as prayed for.

7. It is further made clear that this Court has not expressed any opinion in respect of the merits of the case.

RAVINDER DUDEJA, J

DECEMBER 3, 2024/vp