



\$~90

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

% ***Date of decision: 12th September, 2024***

+ **CM(M) 3176/2024 & CM APPL. 47049/2024**

HERO REALTY PRIVATE LIMITED

.....Petitioner

Through: Mr. Sumesh Malhotra and Ms. Sejal
Sarna, Advocates (Through VC)

versus

**UNION OF INDIA MINISTRY OF CONSUMER AFFAIRS FOOD
AND PUBLIC DISTRIBUTION THROUGH ITS SECRETARY &
ORS.**

.....Respondent

Through: Mr. Nishant Gautam, Mr. Vardhman
Kaushik, Ms. Sanjana Mehrotra, Mr.
Mayank Sharma, Mr. Ajay Kanojiya,
Mr. Vinay Kaushik, Mr. Rudra Rout
and Mr. Vipul Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition has been filed under Article 227 of the Constitution of India seeking to call the record of Revision Petition No. RP/1533/2024.
2. Said Revision Petition was filed before NCDRC impugning order dated 27.12.2023 passed by the State Consumer Disputes Redressal Commission, U.T. Chandigarh in Appeal No. A/177/2023.
3. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Punjab and Haryana High Court, 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 she may be permitted to withdraw the present petition with liberty to approach said jurisdictional High Court.

4. 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.

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 The petition stands disposed of as withdrawn.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

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

(MANOJ JAIN)
JUDGE

SEPTEMBER 12, 2024/dr