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

+ **CM(M) 2103/2023 & CM APPL. 65977/2023**

TRADE WINGS

.....Petitioner

Through: Mr. P. Sureshan, Advocate.

versus

M.S.S. ASAN EXPORTS AND ORS

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

11.11.2024

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1. The present petition has been filed under Article 227 of the Constitution of India challenging the order dated 28.01.2022 passed by the National Consumer Disputes Redressal Commission [‘**NCDRC**’] in FA No. 1119/2014 as also the order dated 16.07.2014 in CC No. 29 of 2006 by the State Consumer Disputes Redressal Commission, Chennai [‘**SCDRC**’].

2. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Chennai High Court, relying upon the judgment dated 04.03.2024 passed by the Supreme Court in the case of **Siddhartha S Mookerjee Vs. Madhab Chand Mitter [Civil Appeal No. 3915-16/2024]**, the learned counsel for 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 above referred order wherein



the Supreme Court has very categorically observed 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 the jurisdiction of the High Court of Calcutta should have been invoked.

4. 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. The petition accordingly stands disposed of as withdrawn and liberty, as prayed for, is granted.

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

RAVINDER DUDEJA, J.

NOVEMBER 11, 2024 /ib