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

% ***Date of decision: 25th September, 2024***

+ CM(M) 3472/2024 & CM APPL. 56548-56549/2024

DIVISIONAL RAILWAY MANAGER & ORS.Petitioner

Through: Mr. Sushil Kumar Pandey, SPC with
Ms. Neha Yadav, Advocate.

versus

SMT PRATIMA RAYRespondent

Through: None.

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 challenging order dated 17.11.2023 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC') in Revision Petition No. 3031/2015.
2. The above matter was filed before Hon'ble NCDRC impugning order dated 01.01.2015 passed by the State Consumer Disputes Redressal Commission, Uttar Pradesh in Appeal No. 1330/2007.
3. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Allahabad High Court, in view of 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, the petitioner should rather approach the concerned jurisdictional High Court.
4. In *Siddhartha S Mookerjee* (supra), 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. Moreover, this Court has already *vide* detailed order dated 12.09.2024 passed in *M/S. TDI Infrastructure Ltd. vs. Birjendra Singh Mallik* in CM(M) No. 2933/2024 observed that in view of *Siddhartha S Mookerjee* (supra), any such petitioner should go to the “jurisdictional High Court”.

6. In view of the above, the present petition is disposed of as not maintainable on account of lack of jurisdiction.

7. Needless to say, the petitioner would be at liberty to invoke the jurisdiction of the jurisdictional High Court i.e. Allahabad High Court by filing appropriate petition.

8. All the rights and contentions of the parties are reserved.

(MANOJ JAIN)
JUDGE

SEPTEMBER 25, 2024/sw