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

+ **CM(M) 4081/2024**

**U.P. CO-OPERATIVE CANE UNION
FEDEARTION**

.....Petitioner

Through: Mr. Vishnu Sharma, Adv.

versus

**INDUSTRIAL FINANCIAL CORPORATION OF
INDIA**

.....Respondent

Through: Mr. Rajnish Kr Jha, Adv

**CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA**

ORDER
18.12.2024

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1. The present petition has been filed under Article 227 of the Constitution of India challenging the order dated 27.10.2023 passed by National Consumer Disputes Redressal Commission [“NCDRC”] in First Appeal No. 2495/2017 whereby the appeal filed by the petitioner against the order dated 28.03.2016 in Complaint No.50/2009 of the State Commission of Uttar Pradesh was dismissed. .

2. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Uttar Pradesh 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 petitioners 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 Kolkata should have been invoked.

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 The petition accordingly stands disposed of as withdrawn and liberty, as prayed for, is granted.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

DECEMBER 18, 2024
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