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

% ***Date of Decision: 20th May, 2025***

+ CM(M) 3334/2024 & CM APPL. 51505-51506/2024

KDP BUILDWEL PVT. LTD. THROUGH ITS DIRECTOR

.....Petitioner

Through: Mr. Akul Krishnan, Advocate

versus

MR. DEEPAK KUMAR TOMAR

.....Respondent

Through:

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 21.09.2023 passed by learned National Consumer Disputes Redressal Commission (*in short* 'NCDRC') in First Appeal No. 242/2020.

2. The above matter was filed before learned NCDRC impugning order dated 08.01.2019 passed by State Commission, Uttar Pradesh in Complaint No. 325/2017.

3. Since the cause of action pertaining to the present subject matter has arisen within the jurisdiction of other High Court, relying upon judgment dated 04.03.2024 passed by Hon'ble Supreme Court in *Siddhartha S Mookerjee vs. Madhab Chand Mitter*, 2024 SCC OnLine SC 4205, learned counsel for petitioner now prays that the petitioner may be permitted to withdraw the present petition with liberty to approach the 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, having seat in Delhi, 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* order dated 12.09.2024 passed in *General Manager, Punjab National Bank and Others vs. Rohit Malhotra: (2024) SCC OnLine Del 6415* observed that in view of *Siddhartha S Mookerjee* (supra), any such petitioner should go to the "jurisdictional High Court".
6. The petition stands disposed of as withdrawn with liberty to invoke the jurisdiction of the jurisdictional High Court by filing appropriate petition within six weeks.
7. The petition stands disposed of in aforesaid terms.
8. It is, however, made clear that this Court has not expressed any opinion, whatsoever, over the merits of the case.

(MANOJ JAIN)
JUDGE

MAY 20, 2025/dr/shs