



\$~48

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

+ **CM(M) 248/2025**

RAHUL SHAW AND ANR

.....Petitioners

Through: **Mr. Manoj Kumar Mishra, Advocate.**

versus

PRITAM MUKHERJEE

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **07.02.2025**

CM APPL. 7410/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CM(M) 248/2025 & CM APPL. 7409/2025 (stay)

1. The present petition has been filed under Article 227 of the Constitution of India challenging the order dated 07.10.2024, passed by the National Consumer Disputes Redressal Commission [**'National Commission'**] in First Appeal No. 977/2022.

2. Since the entire cause of action pertaining to the subject matter has arisen within the jurisdiction of Calcutta 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], learned counsel for the petitioners prays that petitioners 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 Supreme Court has categorically observed that merely because the National Commission has 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 by State Commission of West Bengal, it was held that jurisdiction of the High Court of Calcutta should have been invoked.

4. Delhi High Court has also in number of cases, including in the case of **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. Petition accordingly stands disposed of as withdrawn and liberty as prayed for is granted.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

FEBRUARY 7, 2025/vp