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

+ W.P.(C) 17827/2025 and CM APPL. 73598/2025

M/S JMD LTD.

.....Petitioner

Through: Appearance not given.

versus

S. N. BHARGAV

.....Respondent

Through: Respondent in person.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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04.02.2026

1. The petitioner seeks to challenge the order dated 23.10.2025 passed by the National Consumer Dispute Redressal Commission ['NCDRC'] as well as the order dated 30.09.2025 whereby, the review application No. 205/2005 passed in first appeal No.215/2025 has been dismissed.
2. The facts would indicate that the respondent had filed a complaint against the petitioner before the State Consumer Dispute Redressal Commission ['SCDRC'], alleging that despite payment of a sum of Rs.18,10,640/- towards booking space in the petitioner's project titled 'JMD Garden Sobna Road, Gurgaon', the same had not been done by the latter.
3. The said complaint was initially dismissed on 17.02.2017 on the ground that the respondent was not a consumer. Thereafter, the respondent preferred an appeal before the NCDRC, wherein, upon setting aside the impugned order, the parties were directed to reappear before the SCDRC on 04.07.2018.



4. It appears that thereafter, the SCDRC *vide* order dated 19.09.2023 found that there was deficiency of service and has directed the petitioner to refund a sum of Rs.18,10,640/- along with interest component of 6% p.a.

5. The petitioner then preferred an appeal before the NCDRC, wherein, an interim order was passed, staying the operation of the order under appeal. Thereafter, on 30.09.2025 the appeal has been dismissed. Against the same, the petitioner preferred a review petition, which was also dismissed *vide* order dated 23.10.2025.

6. The Court has considered the submissions made by learned counsel appearing for the petitioner and has also heard the respondent, who appears in person.

7. The principal submission advanced by learned counsel appearing for the petitioner submits that, the respondent was not a 'consumer' and therefore the complaint has been entertained by both the Commissions without any jurisdiction.

8. The said contention has been dealt with by the SCDRC in its order dated 19.09.2023. It has held that the petitioner had not adduced any evidence to establish that the respondent had sought to purchase a commercial property for the purpose of letting the same out for rent, so as to take the dispute out of its jurisdiction. The relevant paragraph of the said order is extracted below, for reference:

"In the present case, it is the case of Opposite Party that Complainant had paid a sum of Rs. 18, 10,640 / - towards earnest money for the booking of IT Unit in their IT Project namely 'JMD Megapolis' and not for the project 'JMD Garden' which was not even conceived by Opposite Party at the relevant time. It is also submitted by the Opposite Party that Complainant had earlier booked a unit in their project 'JMD Regent Plaza'. Since, he was happy with the quality of work and was desirous of buying another unit in their project. Since, no other space was readily



available in their project and few cancellations were expected, the Opposite Party requested the Complainant to give 10% of the expected consideration of 4500 sq. ft. Since no cancellation was made and the IT sector was booming then the Complainant decided to buy the IT unit in its project "JMD Megapolis" to let out the same to IT companies. **However, no documentary evidence has been placed on record by the Opposite Party in support of its contentions.**

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Thus, in view of the above discussions, we find no merits in the contentions of the Opposite Party that Complainant is not consumer as he booked the commercial space in the project of Opposite Party."

9. The findings of the SCDRC have been upheld by the NCDRC in paragraph no. 27 of the impugned order dated. 30.09.2025.

10. The Supreme Court in the case of **Rajendra Divan v. Pradeep Kumar Ranibala and Anr.**,¹ has held that the power under Article 227 of the Constitution of India is to be exercised sparingly, by the Court only in cases of patent error of law which go to the root of the decision, perversity, arbitrariness, violation of principles of natural justice and lack of jurisdiction.

"85. The power of superintendence conferred by Article 227 is, however, supervisory and not appellate. It is settled law that this power of judicial superintendence must be exercised sparingly, to keep subordinate courts and tribunals within the limits of their authority. When a Tribunal has acted within its jurisdiction, the High Court does not interfere in exercise of its extraordinary writ jurisdiction unless there is grave miscarriage of justice or flagrant violation of law. Jurisdiction under Article 227 cannot be exercised "in the cloak of an appeal in disguise".

86. In exercise of its extraordinary power of superintendence and/or judicial review under Articles 226 and 227 of the Constitution of India, the High Courts restrict interference to cases of patent error of law which go to the root of the decision; perversity; arbitrariness and/or unreasonableness; violation of principles of natural justice, lack of jurisdiction and usurpation of powers. The High Court does not re-assess or re-analyse the evidence and/or materials on record. Whether the High Court

¹ (2019) 20 SCC 143



would exercise its writ jurisdiction to test a decision of the Rent Control Tribunal would depend on the facts and circumstances of the case. The writ jurisdiction of the High Court cannot be converted into an alternative appellate forum, just because there is no other provision of appeal in the eye of the law.”

11. The impugned orders do not suffer from any of patent error of law which goes to the root of the decision, and the issue of jurisdiction has satisfactorily been settled by the SCDRC and upheld by the NCDRC. Therefore, the Court does not find it appropriate to interfere into the order passed by the NCDRC. Accordingly, the petition stands dismissed.

PURUSHAINDRA KUMAR KAURAV, J
FEBRUARY 4, 2026/P/AMG