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

+ **W.P.(C) 43/2026**

FIREFLY BATTERIES PVT LTD

.....Petitioner

Through: Mr Narender Singh Yadav and
Mr.Manu Prakash Upadhyay,
Advocates.

versus

P. SUDHAKARAN & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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09.02.2026

1. *Vide* order dated 05.01.2026, liberty was granted to the petitioner to file an appropriate application seeking necessary amendment. No such application has been filed till date by the petitioner.
2. Even otherwise, the facts of the instant case would indicate that respondent no.1 had filed a complaint bearing consumer complaint no. 111/2020 before the learned District Consumer Redressal Commission, Malappuram, Kerala. Aggrieved by the said order, the petitioner filed a first appeal bearing no. A/549/2024 before the State Consumer Disputes Redressal Commission, Thiruvananthapuram, Kerala. The State Commission dismissed the said appeal *vide* order dated 09.12.2024.
3. Assailing the said order of the State Commission, the petitioner filed a revision petition before the National Commission, and *vide* order dated 06.05.2025, the said revision was also dismissed. It is this order of the



National Commission, which the petitioner has impugned in the present writ petition.

4. The petitioner seeks to invoke the jurisdiction of this Court on the sole ground that the impugned order of the National Commission has been passed by an authority situated within the jurisdiction of this Court (hereinafter “*Situs Argument*”). The petitioner, has pleaded as such, in paragraph no. 6 of the writ petition which reads as under:

“6. That this Hon’ble Court is vested with the jurisdiction to adjudicate upon the instant Writ Petition in terms of Article 226 R/W Article 227 of the Constitution of India which seeks to issue an appropriate Writ; which falls within the territorial jurisdiction of this Hon’ble Court as the office of respondents is situated within the territorial jurisdiction of this Hon’ble Court. Thus, it is respectfully submitted that the instant Writ Petition is maintainable before this Hon’ble Court.”

5. In *Siddhartha S. Mookerjee and Anr. v. Madhab Chand Mitter and Anr.*¹, the *Situs Argument* being made by the petitioner herein, was unequivocally rejected by the Supreme Court. The material portions of the said decision read as under:

“8. Learned counsel for the respondent no. 1 contends that the jurisdictional High Court in the instant case ought to be treated as the High Court of Delhi, inasmuch as the judgment impugned before the High Court was passed by the NCDRC at Delhi.

9. In our opinion, that can hardly be treated as a ground to invoke the jurisdiction of the High Court of Delhi. The respondent No. 1 ought to have approached the High Court of Calcutta being aggrieved by the impugned judgment as the entire cause of action in the present case has arisen in Kolkata, where the patient was operated for ovarian cancer on 24th February, 2012, and expired on 30 th July, 2014. The complaint case was filed at Kolkata based on the aforesaid cause of action. Merely, because the NCDRC has allowed the revision petitions filed by the appellants and the respondent no. 2 would not be a ground to vest jurisdiction in the High Court of Delhi.

10. Accordingly, the appeals are allowed. The petitions filed before

¹ 2024 SCC OnLine SC 4285



the High Court of Delhi are disposed of with liberty granted to the respondent no. 1 to approach the High Court of Calcutta for seeking appropriate relief. In the event the respondent no. 1 files a petition before the High Court of Calcutta within four weeks from today, the appellant herein shall not raise any objection as to the maintainability of the said petition on the ground of limitation. It is further directed that in this duration, the appellants shall not rely on the order passed by the NCDRC.”

6. The original order of the District Consumer Redressal Commission having been passed at Kerala, and the first appeal order of the State Consumer Disputes Redressal Commission also having been rendered at Kerala, it is the High Court of Kerala which ought to entertain the present *lis*.

7. In the facts and circumstances of the case, and the law discussed above, it is clear that the mere fact of the revision order having been passed by the National Commission, which happens to be situated within the jurisdiction of this Court, would not make it appropriate for this Court to entertain the present writ petition.

8. Accordingly, the instant writ petition deserves to be dismissed while granting liberty to the petitioner to approach the jurisdictional High Court, if so advised.

9. While granting the aforesaid liberty, the present petition stands dismissed.

PURUSHAINDR KUMAR KAURAV, J

FEBRUARY 9, 2026

Nc/ksr