



2024:DHC:5038



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 08th July, 2024***

+ CM(M) 2529/2024

SHIV SAGAR DEVELOPERS AND ORSPetitioners

Through: Mr. Anupam Dwivedi, Advocate.

versus

TILAK NAGAR AUDUMBAR COOPERATIVE HOUSING
SOCIETY

.....Respondent

Through: None.

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 04.01.2024 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC') in First Appeal No.09/2016.
2. Admittedly, said Appeal had been filed before NCDRC impugning order dated 07.12.2015 passed by the State Consumer Disputes Redressal Commission, Maharashtra, in Complaint No.CC 200/2010.
3. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Maharashtra, relying upon order dated 04.03.2024 passed by the Hon'ble Supreme Court in *Siddhartha S Mookerjee vs. Madhab Chand Mitter*, Civil



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Appeal Nos. 3915-16/2024, learned counsel for appellant prays that he may be permitted to withdraw the present petition with liberty to approach the jurisdictional High Court.

4. This Court has gone through said order wherein the Hon'ble Supreme Court has, very categorically, observed that merely because NCDRC had allowed revision 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. The situation is precisely the same here, too.

6. The petition stands disposed of as withdrawn. Liberty, as prayed for, is granted.

7. It is, however, made clear that this Court has not expressed any opinion, whatsoever, over the merits of the case.

(MANOJ JAIN)
JUDGE

JULY 08, 2024/st