



2025:DHC:6595



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

% ***Date of Decision: 06th August, 2025***

+ **CM(M) 1446/2023 & CM APPL. 46181/2023**

**ARCHI CONSTRUCTION, THROUGH ITS SOLE PROPRIETOR
MR. PANKAJ GUPTA & ANR.**

.....Petitioners

Through: Advocate (appearance not given).

versus

NAMITA CHAKRABORTY & ORS.

.....Respondents

Through: Mr. Shamik Bagehi & Mr. Farhad
Mallik, Advs.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Present petition has been filed under Article 227 of the Constitution of India challenging order dated 01.08.2023 passed by learned National Consumer Disputes Redressal Commission (*in short 'NCDRC'*) in Revision Petition No. 1608/2023.
2. The above matter was filed before learned NCDRC impugning order dated 31.05.2023 passed by learned State Commission, Kolkata in First Appeal No.A-283/2022.
3. Since the cause of action pertaining to the present subject matter has arisen within the jurisdiction of other High Court, relying upon judgments dated 04.03.2024 passed by Hon'ble Supreme Court in *Siddhartha S*



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Mookerjee vs. Madhab Chand Mitter, 2024 SCC OnLine SC 4205 and *General Manager, Punjab National Bank and Others vs. Rohit Malhotra: (2024) SCC OnLine Del 6415*, 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. In *Siddhartha S Mookerjee (supra)*, 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. The petition stands disposed of as withdrawn with liberty to invoke the jurisdiction of the jurisdictional High Court by filing appropriate petition within four weeks. Till then, let no coercive process be taken against the petitioners in the execution.

6. The petition alongwith pending application stands disposed of in aforesaid terms.

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

(MANOJ JAIN)
JUDGE

AUGUST 6, 2025/ck/shs