



\$~5

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

% ***Date of Decision: 19th March, 2025***

+ **CM(M) 2477/2024 & CM APPL. 34267/2022**

ARIHANT SUPERSTRUCTURES LIMITEDPetitioner

Through: **Mr. Arpit Gupta & Mr. Divya Pratap
Parmar, Advocates.**

versus

PUSHPA AGARWALRespondent

Through: **Mr. Dhruv Gupta, Advocate.**

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 09.05.2022 passed in First Appeal No. 997/2021 by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC').
2. By virtue of the abovesaid order, the appeal filed by petitioner herein i.e. Arihant Superstructures Limited has been dismissed.
3. The above matter was filed before NCDRC impugning order dated 13.09.2021 passed by the State Consumer Disputes Redressal Commission, Rajasthan in Consumer Complaint No.09/2017.
4. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Rajasthan High Court, in view of judgment dated 04.03.2024 passed by Hon'ble Supreme Court in *Siddhartha S Mookerjee vs. Madhab Chand Mitter*, 2024 SCC OnLine SC 4205, the petitioner should rather approach the concerned jurisdictional High Court.



5. In *Siddhartha S Mookerjee* (supra), the Hon'ble Supreme Court has, very categorically, observed that merely because NCDRC 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.

6. Moreover, this Court has already *vide* order dated 12.09.2024 passed in *General Manager, Punjab National Bank and Others vs. Rohit Malhotra: (2024) SCC OnLine Del 6415* observed that in view of *Siddhartha S Mookerjee* (supra), any such petitioner should go to the "jurisdictional High Court".

7. In view of the above, the present petition is disposed of as not maintainable on account of lack of jurisdiction. All the rights and contentions of the parties are reserved.

8. Needless to say, the petitioner would be at liberty to invoke the jurisdiction of the jurisdictional High Court i.e. Rajasthan High Court by filing appropriate petition.

9. In view of the above, for a period of four weeks from today, let no coercive process be taken in the Execution Petition in order to enable the petitioner herein to seek appropriate relief from the Jurisdictional High Court.

10. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 19, 2025//st/SS