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

% ***Date of Decision: 30<sup>th</sup> April, 2025***

+ CM(M) 789/2025 & CM APPL. 25782-25784/2025

**JBB EVEREST BUILDTECH PRIVATE LIMITED & ORS.**

.....Petitioners

Through: Mr. Kunal Godhwani with Ms. Kinjal  
Chadha, Advocates.

versus

**MAHAVIR SINGHAL**

.....Respondent

Through: None

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Respondent – Mahavir Singhal had filed a complaint against the petitioners herein, which was registered as CC/335/2024. Such complaint has been allowed by the learned District Consumer Disputes Redressal Commission – VI, New Delhi *vide* order dated 07.03.2025.
2. Such order has been challenged by filing present petition under Article 227 of the Constitution of India.
3. According to learned counsel for the petitioners, the order is completely without jurisdiction and despite the fact that the learned District Commission was apprised that a *Resolution Plan* had already been approved by the Hon'ble National Company Law Tribunal (NCLT) and a new management had taken over the Company and that no such order could have been passed against the petitioner, such contentions have been brushed aside, casually. It is in the abovesaid premise that the present petition has been filed before this Court, instead of filing an appeal before the learned State



Commission, New Delhi.

4. Learned counsel for the petitioner strongly relies upon *Ghanshyam Mishra and Son Pvt. Ltd. vs. Edelweiss Asset Reconstruction Company and Ors.: (2021) 9 SCC 657* and submits that it is not, always, required to relegate any such party to the alternative remedy and a party cannot be made to run from one forum to another in respect of proceedings and the claims which are not permissible in law. Fact, however, remains that such observations seem to have been made in context of peculiar backdrop of said case.
5. This Court has gone through the abovesaid judgment.
6. The contentions, which have been raised before this Court, can always be made before the learned Appellate Commission, after hearing such contentions, can always pass appropriate order.
7. It will be, therefore, in the fitness of things if the petitioner, instead of invoking supervisory jurisdiction, approaches the Appellate Court. Moreover, the efficacious and statutory remedy made available to the petitioner by virtue of Consumer Protection Act, 2019 cannot be made redundant and illusory, particularly, when the relief in question can always be granted by such Appellate Commission, as well.
8. In view of the above, without prejudice to the rights and contentions of the parties, the present petition is disposed of with liberty to petitioner to invoke the Appellate jurisdiction of State Commission of Delhi.
9. All the pending applications also stand disposed of accordingly.

**(MANOJ JAIN)**  
**JUDGE**

**APRIL 30, 2025/st/shs**