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

+ CM(M) 696/2022 & CM APPL. 31846/2022 (stay) CM APPL. 31172/2023 (stay) & CM APPL. 42140/2024 (for taking on record the amended memo of parties)

NEWTECH SHELTERS NOIDA PVT. LTDPetitioner

Through: Mr. Chandra Shekhar Yadav, Mr. Astitva Srivastava and Mr. Guaransh Singh Chauhan, Advs.

versus

RAJIV S GUPTARespondent

Through: Mr. A.A.Chaus, Mr. Pradeep Singh and Mohd. Nawaz, Advs.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

10.02.2025

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1. The learned counsel of the petitioner has drawn the attention of this Court to Section 14 (2) of the Consumer Protection Act, 1986 as also to Section 58(2)(3) of the Consumer Protection Act, 2019 to argue that the said sections stipulates that the jurisdiction, power and authority of the National Commission can be exercised only by a Bench constituted by the President with at least one more member thereof sitting together. Learned counsel submits that the impugned order has been passed by the single member of the NCDRC.

2. Learned counsel further draws attention of this Court to a judgment passed by the High Court of Rajasthan in ***Divisional Manager N.I.C. Ltd. vs. Raj. State Cons. Disp. Red. Commi. And Ors. (Neutral Citation: 2019(1)RLW90(Raj.))*** wherein under similar facts and circumstances, the



Rajasthan High Court held that the Bench/Benches of State Commission must be constituted by at least two members of the Commission. He further submits that the said order has been upheld by another Division Bench of the High Court of Rajasthan as well as by Hon'ble Supreme Court.

3. Learned counsel for the petitioner further submits that bunch of petitions on the same issue are pending for consideration before the Hon'ble Supreme Court and are listed before for 19.02.2025.

4. The attention of the Court has also been drawn to the orders passed by the learned Single Judge of this Court in WP (C) 7912/2023 and 1868/2024, wherein, the Court is considering the question as to whether the order of NCDRC suffers from *coram non judice*.

5. Learned counsel for the respondent submits that petitioner had not taken such ground in the petition, and had not supplied the copy of the relied upon judgments in advance.

6. Learned counsel for the petitioner is directed to provide copies of the relied upon judgments to the learned counsel for the respondent through electronic mode.

7. List on 26.05.2025.

8. The matter be shown in the Supplementary List.

RAVINDER DUDEJA, J.

FEBRUARY 10, 2025/ib/r