

# Mr. Suresh Babu Bollineni S/O. Mr. ... vs M/S Lodha Healthy Constructions & ... on 20 May, 2026

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IN THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
AT NEW DELHI

RESERVED ON: 06.05.2026  
PRONOUNCED ON: 20.05.2026

NC/DN/16/2026  
WITH  
NC/IA/2042/2026  
(EXEMPTION FROM FILING TYPED COPIES OF DOCUMENTS)

Suresh Babu Bollineni & Anr. Applicants  
Versus  
M/s Lodha Healthy Constructions  
& Developers Pvt. Ltd. & Anr. Non-Applicant  
NC/DN/17/2026  
WITH  
NC/IA/2059/2026  
(EXEMPTION FROM FILING TYPED COPIES OF DOCUMENTS)

Venkata Reddy Avuthu & Anr. Applicants  
Versus  
M/s Lodha Healthy Constructions  
& Developers Pvt. Ltd. & Anr. Non-Applicant  
NC/DN/18/2026  
WITH  
NC/IA/2062/2026  
(EXEMPTION FROM FILING TYPED COPIES OF DOCUMENTS)

Sridevi Yeerella & Anr. Applicants  
Versus  
M/s Lodha Healthy Constructions  
& Developers Pvt. Ltd. & Anr. Non-Applicant  
NC/DN/19/2026  
WITH  
NC/IA/2063/2026  
(EXEMPTION FROM FILING TYPED COPIES OF DOCUMENTS)

P.V. Rama Raju & Anr. Applicants

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Versus

M/s Lodha Healthy Constructions

& Developers Pvt. Ltd. & Anr. Non-Applicant  
NC/DN/20/2026  
WITH  
NC/IA/2064/2026  
(EXEMPTION FROM FILING TYPED COPIES OF DOCUMENTS)

Suresh Kumar Raju Buddaraju & Anr. Applicants  
Versus  
M/s Lodha Healthy Constructions  
& Developers Pvt. Ltd. & Anr. Non-Applicant  
NC/FA/187/2026  
WITH  
NC/IA/3307/2026  
(EXEMPTION FROM FILING TYPED COPIES OF DOCUMENTS)

Suresh Babu Bollineni & Anr. Appellants  
Versus  
M/s Lodha Healthy Constructions  
& Developers Pvt. Ltd. & Anr. Non-Applicant  
NC/FA/188/2026  
WITH  
NC/IA/3308/2026  
(EXEMPTION FROM FILING TYPED COPIES OF DOCUMENTS)

Venkata Reddy Avuthu & Anr. Appellants  
Versus  
M/s Lodha Healthy Constructions  
& Developers Pvt. Ltd. & Anr. Non-Applicant  
NC/FA/189/2026  
WITH  
NC/IA/3309/2026  
(EXEMPTION FROM FILING TYPED COPIES OF DOCUMENTS)

Sridevi Yeerella & Anr. Applicants  
Versus  
M/s Lodha Healthy Constructions  
& Developers Pvt. Ltd. & Anr. Non-Applicant  
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3

NC/FA/190/2026  
WITH  
NC/IA/3310/2026  
(EXEMPTION FROM FILING TYPED COPIES OF DOCUMENTS)

P.V. Rama Raju & Anr. Applicants  
Versus  
M/s Lodha Healthy Constructions  
& Developers Pvt. Ltd. & Anr. Non-Applicant  
NC/FA/194/2026  
WITH

NC/IA/3320/2026

(EXEMPTION FROM FILING TYPED COPIES OF DOCUMENTS)

Suresh Kumar Raju Buddaraju & Anr.

Applicants

Versus

M/s Lodha Healthy Constructions  
& Developers Pvt. Ltd. & Anr.

Non-Applicant

BEFORE:

HON'BLE MR. JUSTICE A.P. SAHI, PRESIDENT

HON'BLE MR. BHARATKUMAR PANDYA, MEMBER

For the Applicants/Appellants :

Mr. D. Abhinav Rao, Advocate

Ms. Megha Shaw, Advocate

For the Respondents

Mr. Rahul Kripalani, Advocate

Ms. Sharmistha Ghosh, Advocate

Ms. Rayana Mukherjee, Advocate

ORDER

1. The 5 diary numbers 16/17/18/19 & 20 of 2026 have been presented as complaints and were filed on 18th February, 2026 as fresh complaints in view of the orders dated 26.11.2025 passed by the SCDRC, Telangana in complaints that were filed by these complainants in the year 2018. The order in one of the complaints, CC/150/2018, is extracted herein under: -

"1. This complaint is filed on 27.07.2018 by the Complainants, U/s17(1)(a)(i) of the Consumer Protection Act, 1986, praying this Commission to direct the Opposite Parties (a) To immediately handover Occupancy Certificate in respect of Flat No. D~1604, Lodha Meridian, IV Phase, KPHB, Hyderabad, (b) To allocate covered parking in the premises other than the leased premises with dear access to it.

(c) To provide inhouse domestic power as per the agreement (d) To remove the compound wall and fence between Lodha Meridian and Lodha Beiezza. (e) To make the amenities common for Lodha Meridian and Lodha Beiezza (f) To pay a sum of Rs.9,22,149/- being the interest on the sale consideration for 5 months @18% p.a. (g) Rs. 1,84,429/- for every month of delay after 30.06.2018 until occupancy certificate is issued, (h) To pay a sum of Rs.7,86,236/- being the deficit in Undivided share of land (i) To pay a sum of Rs.5,08,975/- towards the shortfall in the amenities (j) To pay Rs.5,00,000/- towards compensation for causing mental agony to the complainants, (k) To pay Rs.5,00,000/-

towards compensation for deficiency of service and for adopting unfair trade practice methods by the opposite parties.(l) To pay Rs.20,000/- as punitive damages U/s.14(1)(d) of Consumer Protection Act,1986.

(m) To pay Rs. 10,000/- towards costs, (n) To award 18% interest on the amounts due to the complainants from the date of complaint till payment.

And grant such other and further relief, as the Hon'ble Commission deems fit and proper in the interest of the justice. This complaint is filed by the complainant in the year 2018. However, the point that needs to be considered here is: whether this commission has Pecuniary Jurisdiction to entertain this complaint?

A question may arise, as to where is the need to decide the issue of pecuniary jurisdiction once again, when this Commission has already decided IA No. 938/2019 pertaining to pecuniary jurisdiction.

To answer this question, we feel it necessary to give a short chronology of events/developments that took place since the filing of this complaint.

This CC was filed in the year 2018 under the Consumer Protection Act 1986, wherein the pecuniary jurisdiction of the State commissions was limited to Rs. 1,00,00,000/-. In the year 2019 itself the opposite parties have filed an IA 938/2019 under order 7 Rule 11 of CPC, with a prayer to reject the complaint on the ground of pecuniary jurisdiction. The said IA was disposed of by way of a common order dated 26.09.2022 as there are 42 other CCS filed with similar grievance against the opposite party. In all the set of 39 cases a petition challenging the pecuniary jurisdiction of this Commission was filed. Hence, a common order was passed on 26.09.2022 holding that this Commission has pecuniary jurisdiction to try this complaint.

Aggrieved by the said orders in LA. No.938/2019 (common order) the opposite party filed FA No.500/2023 only in one CC ! Ze. C.C.83 of 2019. The said FA was disposed of on 13.03.2025 by Hon'ble NCDRC by setting aside the order passed by this commission and holding that the State Commission does not have pecuniary jurisdiction to entertain the complaint.

After receiving the said FA orders, the opposite parties have represented that orders passed in FA No.500/2023 equally apply on other 42 CCS which are pending before this Commission and prayed that all CCS be dismissed as this Commission does not have pecuniary jurisdiction to try these complaints.

The same was opposed by learned counsel for the complainant on the ground that only in CC No.83 of 2019 orders were passed by the Honourable NCDRC and no such orders were passed in the present CC, hence, the same is not binding on this CC or other batch of 42 CCs.

In view of the fact that a common order was passed in all the set of 42 CCs, the objection raised by the complainant is merely a technical objection which is not sustainable. The other objection raised by the complainant is that the said issue of pecuniary jurisdiction was not raised earlier hence, the same cannot be raised at this stage when the complaint is coming up for filing of evidence affidavits of Opposite Parties. At the cost of repetition, we make it dear that in the year 2019, itself the Opposite Parties have filed a petition to reject the complaint on the ground of pecuniary jurisdiction. Hence, taking judicial notice of the finding given in FA No.500/2023 this commission would proceed with deciding the pecuniary jurisdiction of this complaint.

It is pertinent to note that the orders in IA No.938/2019 were passed by way of common order, which means that order passed in I.A. No.938/2019 in the instant complaint was also challenged. Added to that it is settled law that any orders passed by a court which does not have jurisdiction is null and void.

In view of the rival contentions and settled law we are of the emphatic view that the issue of pecuniary jurisdiction be considered once again in each complaint based on the analogy adopted by the Honourable NCDRC in FA No.500/2023.

Therefore, now applying the same analogy to the present complaint we shall consider if this commission has pecuniary jurisdiction to try this complaint.

On 25.09.2025 the opposite party filed a memo giving the total cost and the claim amount put together which is mentioned at column No.8 wherein the total claimed amount comes to Rs.1,55,42,684/- which includes the total sale consideration, which is not opposed by the complainant and verified from the compliant, apparently which is beyond one crore. Added to that in I.A. No.938/2019 orders this / commission has made an observation that if the total claim is considered the same exceeds Rs. 1.00.00.000/-. Therefore, we are of the view that, the total claimed amount is more than one crore, which is beyond the pecuniary jurisdiction of this commission. Hence, without wasting further time, we feel that the complaint be returned to the complainant to be presented before the appropriate court.

In the result, the complaint is returned to the complainant to be presented before the appropriate court. However, the complainant is at liberty to avail the benefit of section 14 of limitation act by excluding the time consumed in pursuing the case before this commission.

The office is instructed to return the original complaint along with the documents if any, to the complainant after indexing and taking proper acknowledgement.

The complainant is directed to present complaint before appropriate forum within 45 days from the date of receipt from the original complaint from this Commission and the Complainant is further directed to receive the original complaint from the office within 45 days from the date of order.

Typed to my dictation by the Typist on system, corrected and pronounced by us in the Open Court on this the 26th Day of November, 2025."

22 Similar orders have been passed in respect of the other 4 complainants on 26.11.2025 itself that are on record.

3. It may be pointed out that in all these complaints that that were filed before the State Commission interim applications were filed by the opposite party - builder under Order 7 Rule 11 praying that the complaints be rejected as the State Commission did not have any pecuniary jurisdiction under the Consumer Protection Act, 1986 to entertain the complaints in the year 2018 inasmuch as the claims in all the complaints exceeded the pecuniary jurisdiction of Rs.1 crore as per the three existing

pecuniary limits. .»/

4. The said applications were rejected on 26th September, 2022 and a common order was passed by the State Commission holding that the State Commission had pecuniary jurisdiction to try the complaints.

5. The builder after rejection of their interim application filed FA/500/2023, only in one complaint i.e. CC/83/2019 (Ravi Chandra Reddy) and the appeal was allowed by this Commission vide order dated 13th March, 2025. The said order is extracted herein under: -

"1. This Appeal under Section 19 of the Consumer Protection Act, 1986 (for short, the 'Act') assails the interim order dated 26.09.2022 of the Telangana State Consumer Disputes Redressal Commission at Hyderabad ("the State Commission") in CCIA No.361 of 2020 in CC No.83 of 2018 disallowing the same.

2. In a nutshell, the facts of the case are that the Respondent/Complainant had booked a flat No.3600, 36th Floor, Bell Garden Tower in Lodha Bellezza, Hyderabad for a consideration of 2,77,74,702/-. Alleging deficiency in service on the part of the Appellant/Opposite Party on account of delayed possession and failure to provide certain amenities, the Respondent/Complainant filed a Complaint before the State Commission seeking directions to the Opposite Party to pay 65,07,280/- towards unfinished works along with damages of 10 Lakhs for mental agony and harassment suffered by him with interest @ 24% p.a. on the cumulative amount of 75,07,280 from the date of complaint; to pay rent @ 1,50,000/- per month from 19.06.2017 to 19.02.2018 amounting to 12 Lakhs and rent @ 1,50,000/- per month from the date of filing complaint till delivery of possession.

3. Appellant/Opposite Party filed Petition No. CCIA No. 361 of 2020 before the State Commission seeking dismissal of the Complaint No.83 of 2018 for want of 'pecuniary jurisdiction'. Vide the impugned order the State Commission dismissed the same. Being aggrieved, Appellant is before us.

4. The Appellant has argued that the State Commission has fallen into an error while holding that for determination of pecuniary jurisdiction, only claims made with regard to the goods or services in the Complaint shall be taken into consideration and not the total value of the goods or services availed or purchased at the time of inception. It is argued that the State Commission has failed to abide by the three member Bench judgment of this Commission in Ambrish Kumar ShuMa vs. Ferrous Infrastructure Pvt. Ltd., 2016 SCC Online NCDRC1117 wherein it was held that the consideration agreed to be paid by the consumer at the time of purchasing the goods or hiring or availing of services along with compensation claimed in the Complaint is to be considered while determining the pecuniary jurisdiction of a consumer forum. Further, all consumer fora in the country are bound to follow the decisions rendered by this Commission in consumer cases filed under the provisions of the Act as per

judgment in NCDRC Bar Association vs. Davinder Maihotra & Ors., 2008 SCC Online NCDRC 46. It is argued that the State Commission also failed to appreciate the judgment of the five member Bench of this Commission in Renu Singh vs Experion Developers Pvt. Ltd., 2021 SCC Online NCDRC 97S and that it erroneously relied upon the judgment of the Calcutta High Court in Woods Birch Hazel Residents Association vs. Managing Director, Bengal United Credit, Belani Housing Company Limited 2019 SCC Online Cai 586. It is submitted that the total consideration value of the flat in question purchased by the Respondent/Complainant is 2.77 Crore and the claim sought by him was approximately 87 Lakhs. It is argued that in terms of the law laid down in Ambrish Kumar Shukla (supra) and Renu Singh (supra), the total value of the Respondent's claim for the purpose of computing pecuniary jurisdiction was 3,84,01,982/-. On 19.02.2020, the Respondent through an additional affidavit increased his claim from 87,07,280/- to 1,06,27,280/-, thereby also making the Complaint fail beyond the pecuniary jurisdiction of the State Commission. It is submitted that the Respondent himself is delaying taking possession of the flat in question. It is prayed that the Appeal be allowed.

5. Respondent contended that the contentions raised by the Appellant regarding pecuniary jurisdiction of the State Commission are illogical and a dear misinterpretation of the statute. It is contended that in terms of Section 17 of the Consumer Protection Act, 1986, relating to calculation regarding pecuniary jurisdiction, "the value of the goods or services and compensation, if any, claimed" has to be considered as against the cost of goods or services agreed between the parties. It is submitted by the Respondent that he did not file a Complaint before the State Commission claiming value of the flat or cancellation of sale deed or any such aspect; rather, he is claiming damages and compensation cumulatively till the date of filing of the Complaint before the State Commission for 77,07,280/-.

Respondent contends that the Hon'ble Supreme Court in Rameshwar Prasad Shrivastava vs. Dwarkadhis Projects Pvt. Ltd., AIR 2019 State Commission 169 addressed and approved the view taken in Ambrish Kumar Shukia (supra) to the extent of the answer given I in context of Section 13(6) read with Section 12(l)(c) read with Order 1 Rule 8 of the CPC and did not deal with pecuniary jurisdiction of the consumer fora. He contended that the State Commission has rightly relied upon Woods Birch Hazel Residents Association (supra) to determine the pecuniary jurisdiction. It is prayed that the Appeal be dismissed with imposition of heavy costs.

6. In view of the settled position of law that Pecuniary Jurisdiction be determined as per the cumulative claim based upon the consideration paid and the compensation(s) claimed, it is manifest that the claim in the instant case is 3,84,01,982/-. As per Section 17 of the Act, the Pecuniary Jurisdiction of consumer fora under the Act is as under:-

"17. Jurisdiction of the State Commission -- [(!)] Subject to the other provisions of this Act, the State Commission shall have jurisdiction-- (a) to entertain-- (i) complaints where the value of the goods or services and compensation, if any,

claimed [exceeds rupees twenty lakhs but does not exceed rupees one crore]; and (ii) appeals against the orders of any District Forum within the State; and (b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State, where it appears to the State Commission that such District Forum has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity. [(2) A complaint shall be instituted in a State Commission within the limits of whose jurisdiction,-- (a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain; or (b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office or personally works for gain, provided that in such case either the permission of the State Commission is given or the opposite parties who do not reside or carry on business or have a branch office or personally works for gain, as the case may be, acquiesce in such institution; or (c) the cause of action, wholly or in part, arises."

In view of the claim being for 3,84,01,982, it is evident that the Pecuniary Jurisdiction in the matter ties with the National Commission and not the State Commission.

7. In view of the foregoing, the State Commission has clearly fallen into an error in not appreciating this position of law and in proceeding to adjudicate in the matter. The order of the State Commission is, therefore, set aside, with liberty to the Respondent to / approach this Commission, if desired, with further liberty under Section 14 of the Limitation Act, 1963.

8. In view of the above, there shall be no order as to costs.

9. Pending applications, if any, also stand disposed of with this order."

6. The complainant Ravi Chandra Reddy in that case approached the Apex Court and the special leave petition No.51752/2025 was dismissed upholding the order dated 13.03.2025 by the following order: -

"Delay condoned.

However, we find no good ground and reason to interfere with the impugned judgment/order passed by the High Court. The special leave petition is accordingly dismissed. Pending application(s), if any, shall stand disposed of."

7. It may be clarified that the builder had filed only one appeal in the complaint filed by Ravi Chandra Reddy, i.e. CC/83/2018.

8. The present 5 complainants after the order dated 26th November, 2025 passed by the State Commission and quoted hereinabove on the basis of the order passed in the case of Ravi Chandra Reddy (supra) have instituted these complaints vide diary numbers contending that the complaints have been returned to be presented before this Commission and liberty has been granted to them to avail the benefit of Section 14 of the Limitation Act.

9. When these 5 diary numbers were taken up it was pointed out that a decision was rendered by this Commission in Suo Motu Revision Petition No.1471/2024 decided on 14th May, 2024 where also a pragmatic view was taken and the complaints were remitted back to the State Commission in view of the prayer made therein with a direction that the State Commission shall proceed to decide the matter on merits expeditiously.

10. On 19th March, 2026 a prima facie observation was made with regard to the maintainability of these 5 complaints and therefore a request was made by the learned counsel for the complainants that they may be also permitted to institute appeals assailing the orders passed by the State Commission dated 26.11.2025 praying for deciding the same and remitting the matter back to the State Commission for decision, inasmuch as, pleadings had already been exchanged before the State Commission and therefore the return of the complaints after 7 years of pendency was not justified.

11. A reference was made in the order to the decision of the Apex Court in the case of Neena Aneja vs. Jai Prakash Associates Ltd., AIR 2021 SC 1441. Complainants were therefore granted liberty to institute their appeals and accordingly First Appeal Nos.187/188/189/190 & 194 of 2026 have been filed by these very 5 complainants assailing the order passed by the State Commission on 26.11.2025. These appeals have been filed with some delay. However, we may point out that the appellants had been permitted to file these appeals as observed in our order dated 19th March, 2026. Consequently the delay deserves to be condoned and we accordingly do so and entertain the appeals keeping in view the law laid by the Apex Court in the case of Mool Chandra Vs. Union of India & Anr. 2024 SCC Online SC 1878 and Sheo Rai Singh & Ors. Vs, Union of India & Anr., (2023) 10 SCC V 531 as well as the observations made by the Apex Court in the case of Sesh Nath Singh vs, Baidvabati Sheoraohuli Coop. Bank Limited, (2021) 7 SCC 313, paragraphs 61 & 62, The appeals have been filed alongwith exemption application Nos.3307, 3308, 3309, 3310 & 3320 of 2026 and the same are allowed as all the orders and the record necessary for disposal of these appeals have already been filed alongwith the complaints that have been registered as diary numbers.

12. After hearing the counsel on 25th March, 2026 notices were issued on the 5 appeals calling upon the respondents to answer the same. The order dated 25th March, 2026 is extracted herein under: -

"The complaints that were filed were taken up on 19.03.2026, when we passed the following order:

"After the matters were heard and keeping in view the law laid down by the Apex Court in the case of Neena Aneja and Ann versus Jai Prakash Associates Limited (2022) 2 CC 161 the present Complaints may not be entertainable. Learned Counsel for the Applicants state that he may be permitted to file formal Appeals assailing the

orders passed by the State Commission dated 26.11.2025. They are permitted to do so along with the Applications seeking exemption from filing the certified copies of the order and the other documents which are already been filed with the compilations.

Let all the Appeals be filed by Monday and these five diary numbers shall be connected with the said Appeals and be listed before us on 25.03.2026."

Now the complainants have preferred five appeals that have been listed along with these complaints challenging the orders passed by the SCDRC, Telangana dated 26.11.2025. Urging that the said orders are not in conformity with the legal position as explained by the Apex Court in the case of Neena Aneja (Supra).

Prima facie the matter requires consideration as even otherwise it appears that the pecuniary limit threshold for entertaining these complaints as on date still lies with the State Commission.

We may further point out that one of the appeals which were allowed by this Commission being FA/500/2023, whereby the complaint has been held to be maintainable before the National Commission, was a complaint where by the threshold of the pecuniary limits of this Commission were met and the value of the consideration paid was above Rs.2,00,00,000/-. Consequently, the order passed in the said appeal may not be applicable on the facts of these five appeals which have been presented before us.

In our opinion all the complaints in the present cases are entertainable by the State Commission itself, but in view of the impugned order dated 26.11.2025, this issue will have to be resolved accordingly after putting the respondents to notice.

Issue notice on FA/187/2026, FA/188/2026, FA/189/2026, FA/190/2026 & FA/194/2026 to the respondents calling upon them to answer the appeals by the next date fixed.

Learned counsel for the appellant may also serve the respondents through dasti. Office to handover notices for the said purpose.

List all the appeals and diary numbers for directions on 06.05.2026."

13. Mr. Rahul Kripalani has appeared on behalf of the respondents in all the 5 appeals and has advanced his submissions contending that there is no error in the order dated 26.11.2025 passed by the State Commission which is otherwise based on an earlier order passed by this Commission on 13th March, 2025 in FA/500/2023 whereby the complaints were held to be maintainable before this Commission and the appeal filed against the same by the complainant before the Apex Court has also been dismissed confirming the same. He therefore submits that a co-ordinate Bench having taken a view that has been confirmed by the Apex Court deserves to be taken notice of as it has a binding effect and hence there is no error in the order of the State Commission by returning the complaints. He however mentions that the fresh 5 complaints filed by the appellants after the order dated 26.11.2025 cannot be entertained as on date, inasmuch as, three complaints have to be treated

as de novo filings, and since their pecuniary value is less than two crores, therefore, they have to be instituted before the "appropriate forum" that would be the State Commission. For this he has relied on the decision in the case of EXL Careers vs. Frankfinn Aviation Services (P) Ltd. (2020) 12 SCC 667.

14. He submits that keeping in view the issue of pecuniary jurisdiction already determined in a similar matter of the same project it may not be possible for this co-ordinate Bench to take a different view.

15. Inviting the attention of the Bench to the ratio of the Apex Court decision in the case of EXL Careers (supra) he urges that the Apex Court while interpreting order 7 Rule 10 & 10 (A) of the Code of Civil Procedure, regarding return of a complaint by a Court lacking jurisdiction for presentation before the Court of competent jurisdiction, has clarified that upon such presentation the suit has to proceed de novo before the competent Court, even if evidence of parties already stood concluded and the matter was fixed for final arguments before the Court. He submits that the said decision was rendered on a reference due to a conflict between two judgments of the Apex Court and was resolved by a three member Bench for which he has invited the attention of this Bench to the first paragraph of the judgment and then the discussions in the subsequent paragraphs concluded in paragraphs 15 & 16 thereof.

16. He then submits that, as on date, the 5 complaints that have been filed cannot be entertained by this Commission under the 2019 Act, inasmuch as, given the pecuniary value as disclosed in all the 5 complaints, which is less than Rs.2 crores, the pecuniary jurisdiction of these complaints under the 2019 Act would be exclusively with the State Commission being below 2 crores of the paid consideration and therefore these complaints have to be presented before the State Commission.

17. In essence, learned counsel for the respondent - builder maintains that the complaints had to be instituted before the appropriate forum within 45 days as per the order dated 26.11.2025 and since the complaints have to proceed afresh in view of the decision in the case of EXL Careers (supra) the appropriate forum is the State Commission in view of the pecuniary limits of all the 5 complaints as per the 2019 Act which cannot be presented before this Commission. His contention is that the appropriate forum would mean the State Commission and not the National Commission as per the 2019 Act.

18. He has then urged that the judgment in the case of Neena Aneja (supra) would not be applicable on the facts of the present case, inasmuch as, these are cases where the complainants had erroneously instituted their complaints before the State Commission under the 1986 Act when according to the admitted position of the claim raised and the quantum claimed, and the law applicable, the complaints were maintainable only by this Commission in the year 2018. It is urged that in the case of Neena Aneja (supra) what was decided was that the complaints which had been filed correctly, according to their pecuniary jurisdiction under the 1986 Act, would not be transferred on account of the alteration in the limits of pecuniary jurisdiction as incorporated under the 2019 Act with the repeal of the 1986 Act. The contention therefore is that the decision in the case of Neena Aneja (supra) would not save complaints which had been erroneously or wrongly filed in

spite of the fact that the State Commission had no pecuniary jurisdiction as is presently involved in these 5 complaints. He therefore submits that the ratio of the decision in the case of Neena Aneja (supra) would not be applicable.

19. He then submits that these objections had been raised by the respondents at the very inception of the complaints before the State Commission and therefore it was not a belated objection and has been rightly decided by the State Commission.

20. It may be pointed out that the complaints have been returned on the objections raised by the builder/opposite party and also in view of the order passed in FA/500/2023 dated 13.03.2025. It is thus clear that on the one hand the complaints have been returned on the objection of the builder and on the other hand while defending the orders dated 26.11.2025 passed in the appeals learned counsel states that there is no error in the said orders and fresh complaints can only be presented before the State Commission.

21. The question is as to the maintainability of the complaints on the pecuniary limits as existed when they were filed in the year 2018 and on the other hand whether they are maintainable as on date as fresh complaints before this Commission keeping in view the pecuniary limits as defined under the provisions of the 2019 Act. The status of the pecuniary value of the respective units which are presently involved have been tabulated in the form of a chart which is reproduced herein under:

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22. At the outset we have to clarify that there is no provision under the Consumer Protection Act, 1986 as it then stood nor is there any provision under the Consumer

Protection Act, 2019 applying the provisions of Order 7 Rule 10 & 10 (A) of the Code of Civil Procedure to the proceedings of filing and return of complaints under the Consumer Protection Act. In the absence of any such provision applying Order 7 Rule 10 & 10 (A) of the Code of Civil Procedure to the proceedings under the Consumer Protection Act, we cannot appreciate the view expressed by the State Commission for return of the complaints to this Commission vide order dated 26.11.2025. The State Commission has nowhere examined the applicability of provisions of Order 7 Rule 10 & 10 (A) and has simply relied on the order of this Commission in FA/500/2023. We may point out that the specific issue of return of a complaint was not involved or agitated or decided in FA/500/2023 and it was an appeal against the order deciding the issue of pecuniary jurisdiction, that too in only one case relating to the same project. The order dated 13.03.2025 therefore binds only the parties in the said proceedings.

23. We may point out that according to Regulation 26 of the 2020 Regulations framed under the 2019 Act, that are *pari materia* to Regulation 26 of the 2005 Regulations framed under the 1986 Act, provide that parties will avoid invoking provisions of the C.P.C. in the proceedings under the Consumer Protection Act. The said Regulations came up for interpretation before the Apex Court in the case of *Ethiopian Airlines vs. Ganesh Narain Saboo* (2011) 8 SCC 539 wherein it was held as under: -

" It is settled principle of statutory interpretation that specific statutes that come later in time trump prior general statutes. Both the Consumer Protection Act, 1986 and the Carriage by Air Act, 1972, which came long after the Code of Civil Procedure, 1908, are more focused and specific statutes and therefore should be held to supersede Section 86 of the Code. This Court in *Savita Garg* (supra) has clearly laid down that the principle that *in foris* created by the Consumer Act, the provisions of the Code of Civil Procedure are applicable only to a limited extent, therefore, the provisions of the Code of Civil Procedure have not been made applicable to the proceedings of the National Consumer Forum."

24. Consequently the provisions of Order 7 Rule 10 & 10 (A) cannot be invoked or applied and the State Commission therefore could not have directed the return of the complaint for being presented before this Commission. The ratio of the judgment in the case of *EXL Careers* (supra) cannot be pressed into service in disputes under the Consumer Protection Act in complaints filed for deficiency in service or unfair trade practice. The said decision did not relate to any issue or dispute either under the Consumer Protection Act, 1986 or the 2019 Act or the provisions thereunder.

25. The State Commission does not enjoy any inherent powers even otherwise keeping in view the pronouncement of the Apex Court in the case of *Rajeev Hitendra Pathak & Ors. vs. Achyut Kashinath Karekar & Anr.* (2011) 9 SCC 541. The statute having not conferred such powers, and the pronouncement of the Apex Court having enjoined the application of the provisions of the CPC, unless expressly provided for, the State Commission could not have passed orders for return of the

complaint overlooking the aforesaid legal position.

26. According to Section 12(3) of the Consumer Protection Act, 1986 which is also applicable to the filing of complaints before the State Commission as well as the National Commission, the forum may "either allow the complaint to be proceeded with or reject it". The same legal position continues under the 2019 Act under Section 36(2) where also either the complaint has to be admitted for being proceeded with or can be rejected. There is no provision in the said section or for that matter any other section of both the Acts providing for return of the complaint or incorporating the provisions of Order 7 Rule 10 and 10A of the Civil Procedure Code. Consequently, neither by implication nor by any express provision the Commission has the power to return a complaint.

27. In our considered opinion, if the Commission does not have the pecuniary or territorial jurisdiction as the case may be, it can consign the complaint with liberty to the complainant to approach the appropriate forum. In view of what has been stated hereinabove, the order impugned dated 26.11.2025 passed by the State Commission to the extent it has returned the complaints is legally unsustainable.

I 28. The second reason for the impugned order dated 26.11.2025 to be vitiated is that the complaints with the consideration paid by the respective complainants does not cross the pecuniary limit of Rs. 2 crores and therefore I the complaints cannot be instituted before this Commission as on date after the commencement of the 2019 Act. The State Commission has overlooked this aspect completely as also the settled position with regard to the limits of pecuniary jurisdiction under the 2019 Act as enunciated by this Commission in the case of M/s. Pyaridevi Chabiraj Steels Pvt, Ltd. vs. National Insurance Co. Ltd. & Ors, CC No. 833 of 2020, decided on 28.08.2020. The law has been explained in the said decision in paragraphs 8 to 10 thereof which are extracted hereinunder:

8. It appears that the Parliament, while enacting the Act of 2019 was conscious of this fact and to ensure that Consumer should approach the appropriate Consumer Disputes Redressal Commission whether it is District, State or National only the value of the consideration paid should be taken into consideration while determining the pecuniary jurisdiction and not value of the goods or services and compensation, and that is why a specific provision has been made in Sections 34 (1), 47 (1) (a) (i) and 58 (1) (a) (i) providing for the pecuniary jurisdiction of the District Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Commission and the National Commission respectively.

9. For ready reference the provisions of Sections 34 (1), 47 (1)

(a) (i) and 58 (1) (a) (i) of the Act of 2019 are reproduced below:

34. (1) Subject to the other provisions of this Act, the District Commission shall have jurisdiction to entertain complaints where the value of the goods or services paid as consideration does not exceed one crore rupees:"

J n47. (1) Subject to the other provisions of this Act, the State Commission shall have jurisdiction--

(a) to entertain--

(i) Complaints where the value of the goods or services paid as consideration, exceeds rupees one crore, but does not exceed rupees ten crore:"

"58. (1) Subject to the other provisions of this Act, the National Commission shall have jurisdiction--

(a) to entertain--

(i) complaints where the value of the goods or services paid as consideration exceeds rupees ten crore:"

10. From a reading of the aforesaid provisions it is amply dear that for determining the pecuniary jurisdiction of the District Commission, State Commission or National Commission the value of the goods or services paid as consideration alone has to be taken and not the value of the goods or services purchased/ taken. Therefore, we are of the view that the provision of Section 58 (1) (a) (i) of the Act of 2019 are very dear and does not call for any two interpretations

29. It may also be pointed out that a challenge to the pecuniary limits as introduced in the 2019 Act were assailed in a Writ Petition under Article 32 of the Constitution of India before the Apex Court where the argument of anomalies as projected therein was rejected after noticing the decision of this Commission in the case of M/s, Pyaridevi Chabiraj Steels Pvt, Ltd. (supra).

30. Thus there is no doubt that in the present matter the State Commission under the present existing law that is the 2019 Act could not have issued directions for return of the complaints, admittedly given the pecuniary value of these complaints under the 2019 Act being less than Rs.2 Crores. The said legal position having been overlooked by the State Commission, the impugned orders dated 26.11.2025 passed in all the appeals for this additional reason are unsustainable.

31. The long and short of the matter is that no fresh complaint before this Commission can be entertained, in as much as, even applying the principles as indicated in the case of EXL Carriers (supra), a plaint / suit upon being returned has to proceed denovo meaning thereby that the complaints which have been filed upon being returned would be fresh complaints and in view of what has been stated above, the complaints filed before this Commission have to meet the pecuniary limits as on date, and their paid consideration being less than Rs.2 Crores, cannot be entertained by this Commission. Applying the principles and the ratio of the decision in the case of Rajeev Hitendra Pathak (supra) this Commission being a Tribunal cannot assume or enlarge its jurisdiction for complaints below its own pecuniary jurisdiction which is Rs.2 crores and above under the 2019 Act as it has neither inherent nor implied powers to entertain such complaints.

32. There is yet another reason which we may point out that the 1986 Act stands repealed and therefore a fresh complaint with the given pecuniary value cannot be entertained under the repealed Act of 1986 by this Commission. This aspect has also been omitted to be considered by the State Commission while passing the impugned order.

33. There is however one aspect which is peculiar in this case namely that with regard to the same project and a similar complaint, this Commission in F.A. No. 500 of 2023 had set aside the order of the State Commission as already referred to hereinabove and a challenge before the Apex Court failed and the Special Leave Petition was dismissed in limine, the order whereof has already been quoted hereinabove. We may point out that the dismissal of the Special Leave Petition refusing to interfere with the order passed by this Commission is an order of dismissal in limine, but at the same time the order passed by this Commission on 13.03.2025 related to a complaint where the pecuniary jurisdiction was calculated on an amount of Rs.3,84,01,982/- and accordingly the complaint was allowed to be entertained by this Commission.

34. We have already delineated on the facts of the present five complaints and appeals keeping in view the pecuniary value as applicable in terms of the 2019 Act and we have held that the complaints cannot be entertained for the reasons given hereinabove. Thus, on the valuation of these complaints on the basis of paid consideration is an issue which has nowhere been considered in F.A. No. 500 of 2023 in terms of the 2019 Act and therefore the present cases are distinguishable both on facts including the pecuniary value as per paid consideration as also the legal issue raised herein. In view of the said distinction, the order passed by this Commission in F.A. No. 500 of 2023 is no impediment for us to deal with the issues raised herein as also the validity of the impugned order dated 26.11.2025.

35. The other distinction between the two cases is that the decision rendered by this Commission in F.A. No. 500 of 2023 has nowhere discussed the issue of return of the complaints as involved herein and recited in the impugned order dated 26.11.2025 which is yet another distinctive feature of the present case where arguments have been addressed on the return of the complaint and was not an issue decided in F.A. No. 500 of 2023.

36. Another peculiar feature is the practical and the pragmatic aspect of the matter, and even if the ratio in the case of Neena Aneja (supra) may not be directly applicable, yet the observations made in paragraph 91 persuades us to interfere in this matter in the background that in the instant case the complaints were filed in the year 2018 before the State Commission and it is after 7 years of pendency and exchange of pleadings before the State Commission that orders have been passed on 26.11.2025 returning the complaints.

37. We have already held hereinabove that the power to return a complaint was not available with the State Commission and even otherwise the complainants cannot avail the benefit of filing of a de novo complaint as on date under the 2019 Act before this Commission in view of the pecuniary value of all the complaints being less than Rs.2 crores, which otherwise will continue to be within the pecuniary limits of the State Commission as on date. Logically the complainants - appellants cannot be non-suited and driven back in time for instituting fresh complaint before the State Commission

once again.

38. Learned counsel for the respondent urged that in such a situation since they have been directed to approach the appropriate forum, they will have to file a fresh complaint before the State Commission seeking benefits of limitations etc. as may be available in law, but the complaints filed in the year 2018 were, as per the calculations then, not maintainable before the State Commission, and this objection had been taken at the initial stage before the State Commission itself.

39. What appears to be the argument that even if the State Commission has taken 7 years to decide the issue of pecuniary jurisdiction, the OP / Respondent cannot be saddled with any fault, in as much as, the objections regarding pecuniary jurisdiction had been taken at the initial stage itself before the State Commission that has been rightly decided. Learned counsel is correct in his submissions as regards the taking of an objection at the initial stage and the said decision is protected by the ratio of the decision of the Apex Court in the case of Harshad Chiman Lal Modi vs. DLF Universal Ltd. & Anr. (2005) 7 SCC 791.

40. However, the objection taken remained undecided for 7 years that ultimately came to be pronounced on 26.11.2025 under the impugned orders and relying on the orders passed in F.A. No. 500 of 2023. We have already pointed out that the said decision rendered on 13.03.2025 is no legal impediment for consideration of these matters for the reasons set out hereinabove and on the other hand, it has also been held by us that fresh complaints on the basis of a return which was legally impermissible cannot be entertained by this Commission in view of the provisions of the 2019 Act. In our opinion, the State Commission could have passed orders of dismissal on pecuniary limits, if permissible in law, but instead the State Commission has chosen to pass a peculiar order by returning the complaints which is legally unsustainable. It would also not be rational or reasonable to put the clock back to allow the commencement of a fresh proceeding before the State Commission de novo when the pecuniary jurisdiction as on date is available with the State Commission. We find the peculiar facts of this case calling for a pragmatic remedy.

41. Given the background of the case and its journey from 2018 to 2025, the complaints cannot be entertained afresh by this Commission due to lack of pecuniary jurisdiction under the 2019 Act and consequently the complainant / appellants cannot be rendered remediless. We therefore find adequate legal support to protect the interest of the complainant / appellants who are consumers still awaiting the decision in their cases on merits in spite of the fact that pleadings have already been exchanged between the parties before the State Commission during the past 7 years. It would therefore be a travesty of justice to give a new lease of life to commence a fresh litigation which may be to the advantage of the OP / respondent in a Consumer- Builder - Buyer dispute as the adjudication would stand adjourned to the disadvantage of the complainants. As a matter of fact the O.P - respondents would also be unnecessarily burdened with the filing of fresh pleadings and evidence. This certainly cannot be the intent or purpose of a Protection Act and therefore for all the reasons hereinabove, we find sufficient grounds as enumerated above to interfere with the impugned order dated 26.11.2025 which is hereby set aside.

42. Consequently all the five appeals where similar orders have been impugned, are allowed and all the orders dated 26.11.2025 impugned in the appeals are quashed. The complaints filed by the complainant appellants before the State Commission shall stand revived and restored and the State Commission shall proceed to hear the complaints on merits and decide the same as expeditiously as possible preferably within six months or as per the convenience of its docket by expediting the hearings of these complaints from the stage that they had already reached before the State Commission.

43. As we have allowed the appeals and have set aside the order dated 26.11.2025 by restoring the complaints, then for all the reasons given hereinabove, the fresh five complaints instituted through the Diary Nos. by Ill i the complainants before this Commission are consigned without prejudice to the rights of the complainants to pursue their complaints before the State Commission as directed above.

44. We clarify that we have not touched upon the merits of the complaints and it shall be open to the State Commission to decide the same as observed hereinabove on their merits in accordance with law.

Sd/-

( A.P. SAHI, J.) PRESIDENT Sd/-

Raj/VM/Court - 1/CAV

( BHARATKUMAR PANDYA )  
MEMBER