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2026:DHC:10249

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

% *Judgment reserved on: 11.08.2026*
Judgment pronounced on: 19.11.2026
Judgment uploaded on: 19.11.2026

CNR No. DLHC010368752026

\+ **W.P.(C) 11472/2026 & CM APPL. 53098/2026**

RUPESH KUMAR JHA .....Petitioner

Through: Petitioner in person.

versus

CENTRAL CONSUMER PROTECTION AUTHORITY & ORS. .....Respondents

Through: Ms. Avshreya Pratap Singh Rudy, CGSC with Ms. Usha Jamnal, Ms. Nyasa Sharma, Mr. Ankit Khatri, Mr. Siddhant Nagar and Mr. Abhinav Mall, Advocates for R-1 & 2/UOI
Mr. Shubham Gill and Mr. Ishank Gupta, Advocates

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J.

1. By way of the present writ petition, the petitioner seeks, *inter alia*, quashing of the communication dated 24.09.2025 issued by the Under Secretary, Central Consumer Protection Authority [hereafter '**CCPA**'], in relation to his complaint dated 05.05.2025, along with

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consequential directions to the CCPA to consider the complaint and take appropriate action in accordance with law.

2. Briefly stated, the dispute arises out of certain books published and marketed by respondent no. 3, Oswaal Books and Learning Private Limited [hereafter '**Oswaal Books**'], in connection with the CUET (UG) 2025 examination conducted by the National Testing Agency [hereafter '**NTA**']. The petitioner states that Oswaal Books had marketed certain CUET (UG) books carrying representations including "For 2025 Exam", "Strictly as per the latest examination pattern and syllabus" and "Bestseller". According to the petitioner, these books were available for sale before the NTA released the syllabus and examination pattern for CUET (UG) 2025. The petitioner purchased certain books published by respondent no. 3 on 10.02.2025. Prior to approaching the CCPA, the petitioner issued a notice dated 01.05.2025 to Oswaal Books and certain sellers/e-commerce platforms, seeking refund, compensation and other reliefs. Thereafter, on 05.05.2025, the petitioner filed a complaint before the CCPA under Sections 17 and 19 of the Consumer Protection Act, 2019 [hereafter '**the Act**'], alleging misleading advertisements and unfair trade practices on the part of Oswaal Books. Oswaal Books thereafter sent its reply dated 02.06.2025 denying liability. As the petitioner did not receive a decision on his complaint, he instituted W.P.(C) 12267/2025 before this Court, seeking, *inter alia*, a direction to the CCPA to consider and decide his complaint. The said writ petition was instituted on 05.08.2025. During the pendency of the

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writ petition, the CCPA issued the communication dated 24.09.2025 in relation to the petitioner's complaint.

3. The said communication, issued by the Under Secretary, CCPA, referred to the petitioner's complaint concerning the alleged advertisement of the books as being in accordance with the latest examination pattern and syllabus for CUET (UG) 2025. The communication reads, *inter alia*, as under:

> "The undersigned is directed to refer to your complaint dated 04.05.2025 received by Central Consumer Protection Authority (CCPA) regarding the issue that " the books sold by the Respondent were prominently advertised as being in line with the latest examination pattern and syllabus for the CUET(UG) 2025 exam. However, the National Testing Agency (NTA) has not released the official syllabus and exam pattern for the 2025 exam until March 2025, and these books were sold much earlier, making the claims both premature and baseless".
>
> 2. In this regard, please note that the Central Consumer Protection Authority (CCPA) has been established under Section 10(1) of the Consumer Protection Act, 2019 to regulate matters relating to violation of consumer rights, unfair trade practices, and false or misleading advertisements prejudicial to the interest of public and consumers to promote, protect and enforce rights of consumers as a class.
>
> 3. After reviewing your complaint, it is observed that grievance is of individual nature. To handle individual complaints, address consumer grievances, and serve as a centralized platform for lodging such concerns, the Department of Consumer Affairs has established the **National Consumer Helpline**. Therefore, your grievance was forwarded to NCH.
>
> 4. You may register your grievance by calling the toll-free number 1800-11-4000 or 1915, talking to an agent, or registering your complaint on the **National Consumer Helpline website** https://consumerhelpline.gov.infabout-portal.php
>
> 5. You may also file a consumer complaint before the

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> appropriate consumer Commission through the **e-daakhil** (https://www.edaakhil.nic.in) portal along with the necessary supporting documents.
>
> 6. Therefore, the instant case falls outside the purview of Central Consumer Protection Authority (CCPA) as defined by Consumer Protection Act, 2019. Therefore, no action lies on the part of CCPA."

4. After issuance of the aforesaid communication, the petitioner sought amendment of W.P.(C) 12267/2025 so as to challenge the communication dated 24.09.2025. The application for amendment, being C.M. Application No. 18955/2026, was considered by this Court along with the main writ petition on 25.03.2026.

5. Vide order dated 25.03.2026, this Court observed that the question as to whether the communication dated 24.09.2025 was without jurisdiction on the ground that it had been communicated by the Under Secretary could be examined by the National Consumer Disputes Redressal Commission [hereafter '**NCDRC**']. The Court further observed that an alternative remedy was available to the petitioner and, accordingly, disposed of W.P.(C) 12267/2025 along with the pending application, reserving liberty to the petitioner to approach the NCDRC. The Court expressly left all rights and contentions of the parties open.

6. Pursuant to the aforesaid order, the petitioner approached the NCDRC by way of CCPA Appeal No. NC/CCPA/9/2026, titled *Rupesh Kumar Jha v. Oswaal Books and Learning Private Limited & Ors.*, challenging the communication dated 24.09.2025 and seeking,

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inter alia, consideration of his complaint by the CCPA.

7. The NCDRC, *vide* order dated 08.05.2026, considered the nature of the communication dated 24.09.2025 and the statutory scheme of the Act. It noted that Section 24 provides an appeal against an order passed by the Central Authority under Sections 20 and 21. The NCDRC further noted that, in the present case, no investigation had been carried out under Section 19, and no order had been passed under Section 20 or Section 21. It accordingly held that the communication dated 24.09.2025 was an action under Section 19 and that an appeal under Section 24 was not maintainable before the NCDRC. The appeal was consequently not entertained on the ground of want of jurisdiction. The NCDRC thus did not examine the merits of the petitioner's challenge to the communication dated 24.09.2025.

8. The present writ petition has thereafter been instituted under Article 226 of the Constitution of India, principally challenging the said communication and seeking consequential directions in respect of the complaint dated 05.05.2025.

9. The petitioner, appearing in person, submits that the complaint dated 05.05.2025 disclosed a *prima facie* case of misleading advertisement and unfair trade practice, as respondent no. 3 had marketed its CUET (UG) 2025 books as being "For 2025 Exam" and "Strictly as per the latest examination pattern and syllabus", even before the official syllabus was released by the NTA. He submits that the grievance was not merely individual in nature, as the books were

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marketed to students across the country and the alleged misleading representations concerned preparation for a national-level examination. The CCPA was therefore required to examine the complaint in terms of Sections 18 and 19 of the Act. The petitioner further submits that the impugned communication dated 24.09.2025 is without jurisdiction, having been issued by the Under Secretary. According to him, the power to examine and decide such a complaint vests with the Chief Commissioner and Commissioners of the CCPA and could not have been exercised by a subordinate officer. Relying upon Section 14 of the Act, he submits that the power of delegation under the said provision is confined to administrative matters and does not extend to quasi-judicial functions. He also relies upon ***Bombay Municipal Corporation v. Dhondu Narayan Chowdhary:*** *1965 (2) SCR 929,* in support of the proposition that judicial or quasi-judicial powers cannot be delegated in the absence of statutory authority. He further submits that the impugned communication is completely unreasoned. Apart from stating that the grievance was "of individual nature", it does not disclose any consideration of the allegations or material placed by him. Reliance is placed upon ***Kranti Associates (P) Ltd. v. Masood Ahmed Khan:*** *(2010) 9 SCC 496,* to contend that an authority exercising statutory powers must record reasons for its decision. Lastly, the petitioner submits that the NCDRC did not examine the matter on merits and dismissed the appeal as not maintainable, holding that no appeal under Section 24 lay against the impugned communication. He therefore submits that

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the legality of the CCPA's decision has remained unexamined and prays that the impugned communication be set aside and the complaint be considered by the competent authority in accordance with law.

10. The learned counsels appearing for the respondents opposes the petition and submits that the petitioner's grievance is essentially individual in nature and was, therefore, rightly referred to the National Consumer Helpline and other appropriate consumer fora. It is submitted that Section 19 does not mandate investigation in every complaint and the CCPA has discretion to take such action upon being satisfied of a prima facie case. It is further submitted that the communication was issued on behalf of the CCPA and the mere fact that it was signed by the Under Secretary does not render it without jurisdiction. Accordingly, it is prayed that the petition be dismissed.

11. This Court has **heard** arguments addressed on behalf of the petitioner as well as the respondents, and has pursued the material available on record.

12. The grievance of the petitioner, in substance, is that he had approached the CCPA with a complaint alleging that respondent no. 3 had marketed and sold books for the CUET (UG) 2025 examination by making representations such as "For 2025 Exam" and "Strictly as per the latest examination pattern and syllabus", even before the official syllabus and examination pattern had been released by the NTA. According to the petitioner, the complaint was not merely in

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relation to his individual purchase, but concerned a practice affecting students and consumers at large.

13. However, *vide* the impugned communication dated 24.09.2025, the CCPA has observed, in paragraph 3, that the "*grievance is of individual nature*" and, on that basis, has directed the petitioner to approach the National Consumer Helpline or the appropriate Consumer Commission. The communication ultimately concludes that the matter falls outside the purview of the CCPA and that no action lies on its part.

14. The question which, therefore, arises for consideration of this Court is whether the CCPA was justified in disposing of the complaint in this manner, particularly when the complaint alleged misleading advertisements and unfair trade practices in relation to books which were marketed to students preparing for a national-level entrance examination.

15. In this Court's opinion, the impugned communication dated 24.09.2025 does not examine the aforesaid grievance in any detail. The CCPA has treated the grievance as being "of individual nature", but has not disclosed why it has reached such a conclusion. The impugned communication does not reflect any consideration of the nature of the allegations made in the complaint, the manner in which the books were allegedly marketed, the fact that the representations were made in relation to a national-level examination, or the petitioner's contention that the alleged practice could affect students

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beyond the petitioner himself.

16. The distinction between an individual consumer grievance and a matter concerning consumers as a class is material in the context of the statutory functions of the CCPA. The mere fact that the complaint was initiated by an individual consumer could not, by itself, furnish a reason for treating the underlying grievance as individual in nature. The CCPA, in this Court's view, was required to examine the substance of the complaint and record, at least briefly, the basis on which it concluded that the matter did not fall within its statutory purview and that the grievance was of '*individual nature*'. A reasoned decision was particularly necessary since the petitioner had invoked the jurisdiction of the CCPA under the provisions dealing with consumer rights, unfair trade practices and misleading advertisements.

17. This Court is conscious that the CCPA may, upon consideration of the complaint in accordance with law, ultimately arrive at the conclusion that no proceedings are warranted. The Court is not expressing any opinion on that aspect. However, what is required is that such conclusion, if reached, as has been done by way of the impugned communication also, must follow from a consideration of the complaint and the statutory scheme, and must disclose adequate reasons, even if brief, which led the authority to arrive at such conclusion.

18. In view of the aforesaid, the impugned communication dated

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24.09.2025 cannot be sustained in its present form. The same is accordingly set aside, and the complaint dated 05.05.2025 is remitted to the CCPA for consideration afresh in accordance with law.

19. While reconsidering the complaint, the CCPA shall also consider, in accordance with the statutory scheme, the petitioner's objections regarding the competence of the authority/officer dealing with the complaint. Needless to say, the complaint shall be dealt with by the authority competent in law.

20. Let a fresh reasoned order, in above terms, be passed by the CCPA within 02 months from date of receipt of this order. If aggrieved thereby, the petitioner shall be at liberty to avail of remedies in law.

21. It is clarified that this Court has expressed no opinion on the merits of the allegations against respondent no. 3, including whether the alleged representations constitute a misleading advertisement or unfair trade practice, or whether the matter warrants any investigation or further action under the Act. All such issues are left open for consideration by the competent authority.

22. The present petition along with pending application, is disposed of with the above directions.

23. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 19, 2026/zp