

PROCEEDINGS OF THE DAY		S1
Day and Date	Tuesday and 28.02.2023	
Complaint No.	CR/613/2018/873/2021 Case titled as MRIDULA PARTI AND PARTHA SARATHI DE Vs MICROTEK INFRASTRUCTURES PVT LTD	
Complainant	MRIDULA PARTI AND PARTHA SARATHI DE	
Represented through	Shri Sukhbir Yadav Advocate	
Respondent	MICROTEK INFRASTRUCTURES PVT LTD	
Respondent Represented	Ms. Syashu Pesswani Advocate	
Last date of hearing	23.02.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint the issue between the parties qua the same apartment already stands settled by way of arbitration award dated 21.07.2020. The complainant herein has challenged the award by filling a petition bearing no. ARB-130-2020 for setting aside the award under section 34 of the arbitration and cancellation Act, 1996 and the same is pending adjudication before the district court Gurugram. The implementation of the award dated 21.07.2020 was stayed by the court vide order dated 09.10.2020.

The counsel of the respondent is stating that Hon'ble National Consumer Disputes Redressal Commission, New Delhi when faced with the identical situation passed the following order dated 21.09.2022 in the matter

"Arun Sharma &Ar. vs. Microtek Infrastructure Pvt. Ltd.(CC/2606/2018):

"Admittedly, there is an award between the parties of the arbitrator. However, the counsel for the complainants says that it is ex-parte and he has challenged the same before the Court of Jurisdiction. So long as the award is



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियमन प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. हाउस, सिविल लाइन्स, गुरुग्राम, हरियाणा

not set aside, it is not possible to pass any order as award is binding between the parties.

The counsel for the complainant wishes to submit written arguments today. A copy of the same has been supplied to the counsel for the respondent during proceedings.

Matter to come up on 14.03.2023 on issue of maintainability.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member
28.02.2023