

PROCEEDINGS OF THE DAY		2
Day and Date	Tuesday and 18.04.2023	
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	14.03.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The matter was listed for orders on the point of maintainability of the complaint.

The brief facts are that the respondent invoked section 34 Arbitration and Conciliation Act, 1996 for seeking directions to the allottee to take possession of the allotted unit after making the required payments. Though the respondent approached the Arbitrator on 18.4.2019 after filing of the present complaint on 25.7.2018, the Arbitration award has been awarded on 21.7.2020 and the said arbitration award has been challenged by the complainant before the Special Commercial Court, Gurugram in which the orders of Arbitrator has been stayed.

The counsel for the complainant argues that the jurisdiction of the civil court is barred under section 79 of the RERA Act, 2016 and relief to the complaint can be granted notwithstanding orders of the court/Tribunal.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा मू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/613/2021/873/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana


नया पी डब्ल्यू डी. विश्राम गृह, सिविल लाईंस गुरुग्राम, हरियाणा

Further, this authority agrees that the complainant cannot be forced to seek arbitration notwithstanding such a clause in the BBA.

However, the fact remains that proceedings are pending in the civil court with respect to the issues raised in the complaint. In case conflicting orders are passed by the authority and the civil court in the same matter, it would lead to a problematic situation. Therefore, it is considered appropriate that the present complaint before the Authority be adjourned sine die till the matter is resolved in the civil court.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
18.04.2023