



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1580 OF 2022

Mukesh Verma

....COMPLAINANT

Versus

SRC Buildtech Private Limited

....RESPONDENT(S)

CORAM: Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 17.08.2023

Hearing: 4th

**Present: Mr. Sanjay Verma, ld. Counsel for the complainant through VC.
Mr. Vineet Sehgal, ld. Counsel for the respondent through VC.**

ORDER (NADIM AKHTAR – MEMBER)

1. Perusal of case file reveals that an application dated 08.02.2023 has been filed by respondent wherein he stated that complainant had earlier filed a complaint bearing No. 716 of 2019 before this Authority in which a settlement was arrived and accordingly compromise deed dated 17.05.2019 was executed, In furtherance of said deed, Rs. 30 lakhs have already been paid to the complainant by the respondent company.

2. It is further stated that three criminal complaints under sections 138, 141 and 142 of the Negotiable Instruments Act, 1881 are already pending before the Ld. Illaqa Magistrate, Faridabad in lieu of the Cheque No. 301739 dated 20.08.2019 and Cheque No. 301740 dated 20.09.2019 and Cheque No. 301741 dated 20.10.2019 having total amount of Rs. 30 Lakhs which were dishonoured. The said facts have also been admitted by the complainant in page No. 9 and 10 of the complaint file.
3. Ld. Counsel for the respondent challenged the maintainability of the present complaint on the ground that the present complaint has been filed subsequent to the filing of the complaints under section 138, 141 and 142 of the N.I. Act before Ld. Court at Faridabad by the complainant, thus the present complaint deserves to be dismissed being not maintainable.
4. Today during hearing, ld. Counsel for the complainant admitted the settlement in the present cause of action in accordance with the facts mentioned above and thereafter stated that he wants to withdraw the present complaint.
5. In view of above, Authority observes that as per the settled law the complainant cannot be allowed to proceed with two parallel cases before two different courts/authorities seeking same relief. Therefore, Authority accepts the request of ld. Counsel for the complainant to withdraw the case and the case is **disposed of as withdrawn.**



6. Disposed of. File be consigned to record room and order be uploaded on the website of the Authority.


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Dr. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]