



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		31
Day and Date	Friday and 06.10.2023	
Complaint No.	CR/6808/2022 Case titled as Anjana Sharma Vs Emaar MGF Land Limited	
Complainant	Anjana Sharma	
Represented through	Shri Ranjit Singh, Advocate	
Respondent	Emaar MGF Land Limited	
Respondent Represented	Shri Dhurv Rohtagi, Advocate	
Last date of hearing	21.07.2023	
Proceeding Recorded by	Naresh Kumari	

Proceedings

The present complaint has been received on 18.10.2022 and the reply was received on 07.07.2023.

The complainant had earlier filed a complaint before the authority vide CR/2597/2019 seeking possession along with delay possession charges and same was disposed of by the authority vide order dated 04.02.2020. Thereafter the appeal was preferred by the promoter herein vide appeal no. 257 of 2020 and the same was disposed of by the Hon'ble HREAT vide order dated 14.01.2021 whereby the order passed by the authority was upheld by the appellate tribunal.

The present complaint has been filed by the complainant seeking reliefs apart from the possession along with delay possession charges already claimed by the complainant vide complaint bearing no. CR/2597/2019. It is observed that the cause of action for claiming reliefs sought by way of present complaint against the respondent/builder had already arisen while the pendency of complaint bearing no. CR/2597/2019. It is not the case of complainant that the cause of action to file the present complaint arose after the decision of the complaint bearing no. CR/2597/2019 on 04.02.2020 by this Authority. Even the complainant did not take any permission to omit the reliefs now being claimed in the present complaint and sought liberty to sue



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afterwards in respect of portion so omitted or relinquished. Keeping in view of the above facts, the authority is considered view that the present complaint is not maintainable in view of Order II Rule 2, CPC, 1908.

Matter stands dismissed. File be consigned to the registry.


Sanjeev Kumar Arora
Member
06.10.2023