



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1401 OF 2020

Birender Singh and Reena BhagatCOMPLAINANTS

VERSUS

Dwarkadhis Projects Pvt. Ltd.RESPONDENT

2. COMPLAINT NO. 1429 OF 2020

Chand Singh and Beena DeviCOMPLAINANTS

VERSUS

Dwarkadhis Projects Pvt. Ltd.RESPONDENT

3. COMPLAINT NO. 1430 OF 2020

Nigam PaliwalCOMPLAINANT

VERSUS

Dwarkadhis Projects Pvt. Ltd.RESPONDENT

4. COMPLAINT NO. 2708 OF 2019

Arun Vats and Poonam Vats

....COMPLAINANTS

VERSUS

Dwarkadhis Projects Pvt. Ltd.

....RESPONDENT

**CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 19.10.2023

Hearing: 10th (in complaint no. 1401/ 20)

9th (in complaint no. 1429/ 20)

9th (in complaint no. 1430/ 20)

11th (in complaint no. 2708/ 19)

Present: - None for the complainants (in complaint no. 1401/2020;
2708/2019)

Ms. Bhumika Parmar Advocate, Proxy counsel for complainants (in
complaint nos. 1429,1430/2020) through VC

Sh. Mukul Gupta Advocate, counsel for respondent in all the
captioned cases



ORDER (NADIM AKHTAR - MEMBER)

1. Sh. Mukul Gupta, appeared for respondent in all captioned cases and apprised the Authority that as per last order dated 04.09.2023, both the parties in each case were directed to file an affidavit stating therein the details of case pending before any other forums, specifying case numbers and their current status. In case, complainants wished to continue the captioned complaints before this Authority, then they were directed to withdraw the other complaints pending before other forums. In case, complainants fail to file affidavit stating true facts, captioned cases will be dismissed.
2. In compliance to the last order dated 04.09.2023, respondent has filed affidavits on 11.10.2023 in the registry of the Authority in each complaint providing following information:

Complaint no. pending before Authority	Parties name	Complaint no. pending before other forums	Memo Of Parties
1401/2020	Birender Singh & Reena Bhagat Versus Dwarkadhis Projects Pvt. Ltd.	C.P.(I.B) 281/2023, titled as Sh. Ashish Kumar & ORS. Vs. Dwarkadhis Projects Pvt. Ltd. before Hon'ble National Company Law Tribunal, New Delhi	At page no. 4 of affidavit, complainant name mentioned in memo of parties at serial 17
1429/2020	Chand Singh and Beena Devi	C.P.(I.B) 281/2023, titled as Sh. Ashish	At page no. 5 of affidavit,



	Versus Dwarkadhis Projects Pvt. Ltd.	Kumar & ORS. Vs. Dwarkadhis Projects Pvt. Ltd. before Hon'ble National Company Law Tribunal, New Delhi	complainant name mentioned in memo of parties at serial 18
1430/2020	Nigam Paliwal Versus Dwarkadhis Projects Pvt. Ltd.	C.P.(I.B) 281/2023, titled as Sh. Ashish Kumar & ORS. Vs. Dwarkadhis Projects Pvt. Ltd. before Hon'ble National Company Law Tribunal, New Delhi	At page no. 9 of affidavit, complainant name mentioned in memo of parties at serial 47
		CC/177/2022 titled as Sriashish Bhattacharjee & ors Vs. Dwarkadhis Projects Pvt. Ltd; AKA DPL Homes Before Hon'ble NCDRC, Delhi.	Annexed as A-2 of affidavit complainant name mentioned in memo of parties at serial 17.
2708/2019	Arun Vats and Poonam Vats Versus Dwarkadhis Projects Pvt. Ltd.	C.P.(I.B) 281/2023, titled as Sh. Ashish Kumar & ORS. Vs. Dwarkadhis Projects Pvt. Ltd. before Hon'ble National Company Law Tribunal, New Delhi	At page no. 3 of affidavit, complainant name mentioned in memo of parties at serial 8

Further, counsel for respondent stated that captioned complaints be dismissed in view of the above information as complainants have not come before the Authority with clean hands, rather conceded facts before the Authority and had filed false declaration that no other complaints with regard to the flats in question have been filed before any other forums by



the complainants. Complainants have even failed to file the affidavits as directed in the last order.

3. On the other hand, none appeared for the complainants in complaint nos. 1401/2020; 2708/2019. Ms. Bhumika Parmar, Proxy counsel for complainants in complaint no. 1429 and 1430/2020 stated that process of withdrawal of complaints from other forums has already been initiated but it will take some more time. So, she requested the Authority to grant some more time to withdraw the complaints filed before other forums.
4. After hearing all the parties in each complaint and in view of above, Authority observes that captioned complainants were filed in the year 2019-2020. Since then, complainants never brought into the notice of Authority that they had filed the complaints before other forums seeking reliefs on the basis of same cause of action. It is a settled law that for one cause of action, parties cannot file parallel complaints before different forums. It is the choice of party to approach appropriate forum for seeking respective reliefs but parallel proceedings before different forums can never be proceeded for one cause of action. Further, as per last order dated 04.09.2023, all the parties were given opportunity to either proceed with the captioned cases before Authority or withdraw the complaints filed before other forums but till date none of the complainants have complied with the same. Therefore, Authority deems it appropriate to



dismiss the captioned complaints as these are not tenable in eyes of law. However, complainants are given liberty to file a fresh complaints after withdrawing the complaints filed before other forums.

5. Captioned cases are **disposed of as dismissed**. Files be consigned to record room after uploading of this order on the website of the Authority.



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DR. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]