



**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. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

<b>PROCEEDINGS OF THE DAY</b>		<b>7</b>
Day and Date	Thursday and 18.01.2024	
Complaint No.	CR/684/2018 Case titled as MR. NARINDER NATH AHUJA VS EXPERION DEVELOPERS PRIVATE LIMITED	
Complainant	MR. NARINDER NATH AHUJA	
Represented through	None	
Respondent	EXPERION DEVELOPERS PRIVATE LIMITED	
Respondent Represented	Shri Arun Kumar Yadav, Advocate Ms. Savita Vashisht Legal Officer	
Last date of hearing	21.12.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings-cum-order**

On 16.05.2023, 04.10.2023, and 21.12.2023, respectively the counsel for the respondent states that the same matter for the same relief is pending before the State Commission of Haryana, Panchkula. Hence the complainant cannot choose two forum shopping and parallel proceedings on two forums and hence, this complaint should be dismissed. He also stated that this complaint was filed in 2018 in this authority. However, during the pendency of this complaint, the respondent stated that the complainant should clarify whether they want to pursue the present complaint or with the state commission.

None is present on behalf of the complainant and no response clarifying the status of the complaint pending before the State Commission of Haryana is filed by the complainant.

The counsel for the respondent places on record a copy of the order of State Consumer Commission Panchkula as per which the complaint is fixed for arguments on 19.01.2024.

Since the matter with the same relief is pending before the State Commission of Haryana, Panchkula. Therefore the complainant cannot peruse with the



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

present complaint if he wish to continue with the state commission. Hence the present matter is sub judice Section 10 of CPC of 1908 states that :-

*"No Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where such suit is pending in the same or any other Court in<sup>1</sup>[India] having jurisdiction to grant the relief claimed, or in any Court beyond the limits of<sup>1</sup>[India] established or continued by<sup>2</sup>[the Central Government]<sup>3</sup>[\*\*\*] and having like jurisdiction, or before [the Supreme Court]."*

In view of the same, the complaint before the authority is not maintainable and the same is dismissed. File be consigned to the registry.

V. I - 3  
Vijay Kumar Goyal  
Member  
18.01.2024