



PROCEEDINGS OF THE DAY		7
Day and Date	Friday and 15.03.2024	
Complaint No.	CR/6295/2022 Case titled as Ranjeet Singh Saini VS BESTECH INDIA PRIVATE LIMITED	
Complainant	Ranjeet Singh Saini	
Represented through	Shri Sahil Choudhary, proxy counsel	
Respondent	BESTECH INDIA PRIVATE LIMITED	
Respondent Represented	Shri Ashwariya Hooda, proxy counsel	
Last date of hearing	01.12.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceeding-cum-Order

The respondent submitted that a unit buyer agreement dated 09.08.2013, was executed between the respondent and the two co-allottees, the 1st allottee being complainant himself i.e., Shri Ranjit Singh Saini and the 2nd allottee is Mr. Sushant Saini regarding allotment of a unit bearing no. 1002, 10th floor in the project of respondent named "Park View Sanskruti" at Sector-92, Gurugram.

However, the respondent in its reply contends that the present complaint is filed only by the 1st allottee i.e., Shri Ranjit Singh Saini and the 2nd allottee Mr. Sushant Saini has not been added in the present complaint. Therefore, the co-allottee namely Mr. Sushant Saini being necessary party was required to be added for complete, proper and effectual adjudication of the present matter, hence the present complaint is liable to be dismissed solely on the ground of non-joinder of necessary party as laid down by the Hon'ble Supreme Court in *Vidur Impex and Traders Pvt. Ltd. v. Tosh Apartments Pvt. Ltd. & Ors. (2012 (8) SCC 384)*.

After consideration of the above mentioned facts the authority opines that the present complaint is not maintainable in the present form and liable to be



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/6295/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

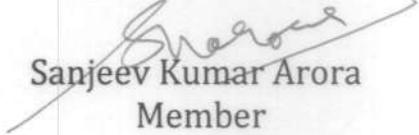
dismissed as proved under Order I, Rule 9 of the Code of Civil Procedure, 1908. Order I, Rule 9 of the Code of Civil Procedure, 1908 is reproduced as under for ready reference:

"No suit shall be defeated by reason of the mis-joinder or non-joinder of parties, and the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it:

[Provided that nothing in this rule shall apply to non-joinder of a necessary party.]"

Furthermore, the authority is of view that though the provisions of the Code of Civil Procedure, 1908 (CPC) is, as such, not applicable to the proceedings under the Act, save and except certain provisions of the CPC, which have been specifically incorporated in the Act, yet the principles provided therein are the important guiding factors and the authority being bound by the principles of natural justice, equity and good conscience has to consider and adopt such established principles of CPC as may be necessary for it to do complete justice.

Moreover, there is no bar in applying provisions of CPC to the proceedings under the Act if such provision is based upon justice, equity and good conscience. Thus, in view of the factual as well as legal provisions, the present complaint stands dismissed for non-joinder of necessary party with liberty to the complainant to file a fresh complaint by impleading necessary parties. File be consigned to the registry.


Sanjeev Kumar Arora

Member

15.03.2024