



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 367 OF 2023

Parker Builders Pvt. Ltd.

.....COMPLAINANT

Versus

Sh. Mukund Lal Chugh

.....RESPONDENT

**CORAM: Nadim Akhtar  
Chander Shekhar**

**Member  
Member**

**Date of Hearing:** 29.04.2024

**Present:** Mr. Gaurav Gupta, counsel for complainant through VC.

None appeared on behalf of respondent.

#### **ORDER (NADIM AKHTAR-MEMBER)**

1. Case was heard at length and on perusal of complaint file, it is revealed that respondent/allottee in present case has already filed a consumer complaint no.163 of 2022 in year 2022 before, the Hon'ble District Consumer Disputes Redressal Commission-II at Qutub Institutional Area, New Delhi, seeking refund and present complaint has been filed by the complainant/builder before the Authority in Feb, 2023. This fact was not revealed during the course of hearing by the complainant/builder.

2. In this regard, Authority observes that it is settled principle of law by the Hon'ble Supreme Court in case of Civil Appeal No.3581-3590 of 2020 titled as M/s Imperia Structure td. Vs. Anil Patni & Ors. The relevant portion of which is reproduced for reference:

*“31. At this stage, we may profitably refer to the decision in Pioneer Urban Land and Infrastructure Limited and another vs. Union of India and another\*, where a bench of three Judges of this Court was called upon to consider the provisions of Insolvency and Bankruptcy Code, 2016, RERA Act and other legislations including the provisions of the CP Act. One of the conclusions arrived at by this Court was:-*


*“100. RERA is to be read harmoniously with the Code, as amended by the Amendment Act. It is only in the event of conflict that the Code will prevail over RERA. Remedies that are given to allottees of flats/apartments are therefore concurrent remedies, such allottees of flats/apartments being in a position to avail of remedies under the Consumer Protection Act, 1986, RERA as well as the triggering of the Code.”*

3. In reference to aforesaid order passed by Hon'ble Supreme Court, Authority observes that as per law laid down by Hon'ble Court the complainant/consumer have choice to choose any forum for redressal of his grievance. Accordingly, an aggrieved person may approach consumer forum, RERA or NCLT, whichever found convenient by him for getting redressal of his grievance.
4. Therefore, Authority is of considered view that present complaint is not maintainable because otherwise two parallel proceedings would continue



before two different forum, which may end up with contrary findings on same issue.

5. Complaint is thus liable to be dismissed being not maintainable and accordingly **disposed off**. File be consigned in the record room after uploading of the order on the website of the Authority.

  
.....  
**CHANDER SHEKHAR**  
[MEMBER]

  
.....  
**NADIM AKHTAR**  
[MEMBER]