

PROCEEDINGS OF THE DAY
60

Day and Date	Friday and 11.07.2025
Complaint No.	CR/995/2025 Case titled as Ajit Kumar Yadav VS KNS Infracon Private Limited & Tashee Land Developers Private Limited
Complainant	Ajit Kumar Yadav
Represented through	Shri Sukhbir Yadav Advocate
Respondent	KNS Infracon Private Limited & Tashee Land Developers Private Limited
Respondent Represented	Shri Aman Verma Advocate
Last date of hearing	04.04.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-order

The present complaint was received on 27.02.2025. Reply on behalf of the respondent has not been received till date.

The complainant had earlier filed a complaint bearing No. 1583 of 2022, which was disposed of by this Authority vide order dated 16.11.2023, directing the respondent to pay Delayed Possession Charges (DPC) @ 10.75% per annum from the due date of possession, i.e., 07.06.2015, until the date of offer of possession plus two months after obtaining the Occupancy Certificate (OC), or handing over possession, whichever is earlier.

The complainant pleaded that the respondent issued an offer of possession letter dated 11.11.2024, wherein various charges such as Cost escalation due to increase in area of ₹31,84,695/-, Possession charges of ₹8,40,800/-, Interest charges of ₹3,72,305/-, Service Tax/VAT/GST of ₹9,40,222/- was raised. Due to non-payment of the aforesaid demands, the respondent proceeded to cancel the allotment of the unit on 13.12.2024.

In the present complaint, the complainant has sought, inter alia, the following reliefs:

1. Set aside the offer of possession dated 11.11.2024



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CRJ 995/2025

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

2. Restore the cancelled unit
3. Restrain the respondent from creating third-party rights
4. Issue a fresh offer of possession
5. Refrain from charging the aforementioned cost escalation, possession, interest, and tax charges
6. Provide area calculations
7. Adjust DPC up to the actual date of handing over possession
8. Handover physical possession with car parking
9. Execute the conveyance deed
10. Refrain from charging club membership and maintenance charges

The counsel for the respondent appeared and states that the present complaint is not maintainable.

Arguments heard.

Upon consideration of the submissions and available records, this Authority is of the view that the complaint is not maintainable, in light of the earlier adjudication and relief already granted by this Authority in Complaint No. 1583 of 2022. The present complaint is hit by the doctrine of Res Judicata as enshrined under Section 11 of the Code of Civil Procedure, 1908 (CPC), which mandates that once a matter has been adjudicated upon by a competent court/tribunal, the same cannot be re-agitated between the same parties on the same cause of action.

Accordingly, the present complaint is dismissed as not maintainable.

Matter stands disposed of.

Arun Kumar
Chairman
11.07.2025