



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

PROCEEDINGS OF THE DAY		53
Day and Date	Tuesday and 22.04.2025	
Complaint No.	CR/5181/2023 Case titled as Amit Dang and Suchi Dang VS Bestech India Private Limited	
Complainant	Amit Dang and Suchi Dang	
Represented through	Shri Sagar Chawla Advocate	
Respondent	Bestech India Private Limited	
Respondent Represented	Shri Ishaan Dang Advocate	
Last date of hearing	04.02.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-Order

The present complaint has been received on 30.11.2023 and the reply on behalf of respondent has not been filed till date.

The counsel for the respondent has filed an application dated 14.03.2024 for dismissal of the complaint on the ground that an appeal bearing no. First Appeal no. 1203 of 2023 is pending in NCDRC and is now listed for 21.05.2024. Reply of application filed by the complainant is placed on record dated 09.05.2024.

Arguments Heard

The Authority is of view that subsequent complaint on same cause of action between the same parties of the matter already sub-judice before the court of competent jurisdiction is clear abuse of the process of law and is barred by the principle of res sub-judice as provided under Section 10 of the Code of Civil Procedure, 1908 (CPC).

Moreover, where two remedies are available for the same relief, the party to whom such remedies are available has the option to elect either of them, but it cannot exercise both options simultaneously.



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Thus, in view of the factual as well as legal provisions, the present complaint stands dismissed being not maintainable. File be consigned to the registry.

Ashok Sangwan
Member

Arun Kumar
Chairman
22.04.2025

Vijay Kumar Goyal
Member