

PROCEEDINGS OF THE DAY		124
Day and Date	Tuesday and 27.05.2025	
Complaint No.	CR/501/2024 Case titled as Essel Towers Welfare Association VS Essel Housing Projects Private Limited & Suncity Projects Limited	
Complainant	Essel Towers Welfare Association	
Represented through	Ms. Parveen Dalal proxy counsel	
Respondent	Essel Housing Projects Private Limited & Suncity Projects Limited	
Respondent Represented	Shri Garvit Gupta Advocate	
Last date of hearing	11.03.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The present complaint was received on 12.02.2024 and the reply has not been received by the respondents.

The respondents have filed an application dated **02.05.2024 for dismissal of complaint** that the the complainant/association has sought specific direction to the respondents not to interfere in its alleged peaceful possession of community center/community building. That the complainant/association is a habitual litigant who is in the habit of filing baseless and false complaints against the respondents in order to illegally extract benefits from the respondents which it is not entitled to.

It is pertinent to mention here that the complainant/association had prior to the filing of the present baseless complaint had also filed a similar complaint having almost similar grounds before this Authority which was dismissed by this Authority on account on non-appearance of the complainant itself on two occasions vide order dated 03.08.2021 and thereafter on 22.10.2021. The present complaint was filed by the complainant against respondent no. 1



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

with ulterior motive. However, the complainant realizing that in the said complaint no relief would be granted by this Authority and the same would be dismissed on merits, the complainant chose not to appear before this Authority and got the said complaint dismissed due to non-appearance.

Further, the complainant/association through its officer bearers was causing continuous interruption and inconvenience ***in operation and management of Club/community center, the respondent no.1*** had also filed a civil suit bearing no. **CS/1165/2020** against the complainant before Civil Judge, Junior Division, Gurugram seeking the relief of declaration with consequential relief of permanent injunction restraining the complainant from interfering in the peaceful possession of the property in question i.e., club/community building or causing any obstruction in the passage. Said civil suit is pending adjudication and fixed for hearing on 16.07.2024. That the respondent no. 1 herein and plaintiff in said suit, had also filed an application for grant of temporary injunction under order 39 rule (1)(2) CPC, though said application was dismissed by the then Civil Judge. However, in an appeal before the Hon'ble Additional District Judge, Gurugram, the said application for temporary injunction was allowed vide order dated 02.02.2021 and complainant herein and defendant in said civil suit was "*restrained from causing any interference in peaceful possession of club premises*" of plaintiff/respondent no.1.

Moreover, the complainant thereafter has filed a revision petition against the said order 10.02.2022 passed by the Ld. Additional District Judge, Gurugram before the Hon'ble High Court of Punjab and Haryana at Chandigarh. Despite the pendency of the aforesaid civil suit and revision petition, the complainant choose to file the present baseless and frivolous complaint by misusing the process of law on the same grounds which have already been adjudicated upon by the Ld. Additional District Judge, Gurugram and is pending for adjudication before Ld. Civil Judge, Junior Division, Gurugram and before Hon'ble Punjab and Haryana High Court at Chandigarh.

The counsel for the respondent has placed on record a copy of order dated 16.05.2025 passed by the Hon'ble High Court in CR No.600/2022 (O&M) titled as Essel Towers Resident Welfare Association and another V/s Essel Housing Projects Pvt. Ltd and states that the matter has been decided in the Hon'ble High Court and as such this complaint be disposed of in view of the orders of the Hon'ble High Court.



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The relevant part of the orders are reproduced as under :-

"In view thereof, this Court finds that the allottees did not pay price of common area. The same vests in the plaintiff and not in the defendant. Thus, the plaintiff has prima facie case in his favour.

Finding that the Appellate Court has rightly granted injunction in favour of the plaintiff, this Court finds no reason to interfere in the well reasoned order passed by the Appellate Court. Resultantly, the revision petition is ordered to be dismissed.

In view of the orders of the Hon'ble High Court, referred to above, the issues have already been decided hence the present complaint is not maintainable before this Authority and hence, the same stands dismissed. File be consigned to the registry.

Ashok Sangwan
Member


Arun Kumar
Chairman
27.05.2025

V.I. 
Vijay Kumar Goyal
Member