PROCEEDINGS OF THE DAY	33
Day and Date	Tuesday and 26.08.2025
Complaint No.	CR/4843/2023 Case titled as Prateek Shrivastava VS Vatika Limited
Complainant	Prateek Shrivastava
Represented through	Shri Sukhbir Yadav Advocate
Respondent	Vatika Limited
Respondent Represented	S/Shri Venket Rao and Gunjan Kumar Advocates
Last date of hearing	05.08.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-order

Order pronounced.

Upon examination of the documents on record, the Authority notes that the complainant had previously filed a complaint, which was adjudicated by this Authority through its order dated 10.11.2021 in Complaint No. 660 of 2021. In that order, the Authority had set aside the cancellation letter dated 19.08.2020 and allowed the assured return as per Clause 12 of the Builder Buyer Agreement (BBA).

It is further observed that in the earlier complaint, the complainant only sought relief pertaining to the setting aside of the cancellation letter and the payment of outstanding assured returns. However, the reliefs now claimed in the present complaint were not sought in the previous proceedings.

Accordingly, the present complaint is barred on two grounds:

1. **Res Judicata (Section 11 of CPC, 1908):** The matter has already been adjudicated by this Authority and, therefore, the complaint is not maintainable as it is barred by the principle of res judicata.

2. **Order II Rule 2 of CPC, 1908:** The complainant, having failed to claim all reliefs arising from the same cause of action in the earlier complaint, is now barred from filing a separate complaint for those omitted reliefs.

In light of the above, the Authority finds the present complaint to be not maintainable and accordingly, it stands dismissed.

However, notwithstanding the above findings, the Authority affirms that the complainant holds a statutory right to possession of the subject unit and execution of the conveyance deed. Therefore, the respondent is directed to hand over possession of the unit to the complainant upon receipt of the Occupation Certificate (OC) from the competent authority and thereafter execute the Conveyance Deed in favour of the complainant in accordance with Clause 6 of the BBA and Section 17 of the Real Estate (Regulation and Development) Act, 2016.

Ordered accordingly. File be consigned to the registry.

Ashok Sangwan
Member

Arun Kumar
Chairman
26.08.2025