

PROCEEDINGS OF THE DAY		27
Day and Date	Friday and 01.08.2025	
Complaint No.	CR/1396/2025 Case titled as Shakuntla Khatri VS Imperia Structures Limited	
Complainant	Shakuntla Khatri	
Represented through	Shri Sunil Kumar Advocate	
Respondent	Imperia Structures Limited	
Respondent Represented	Shri Shubham Mishra Advocate	
Last date of hearing	04.04.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings-cum-order</b>		
<p>On 18.03.2025, the counsel for the complainant filed an application under section 36 of the Act bearing application M.A. no. 212 of 2025 and stating that she was allotted unit no. 001, tower-B in the group housing project "The Esfera sector-37C, Gurugram."</p> <p>The complainant request for the early hearing and for uphold as interim relief status quo and no third-party rights creates against the particular unit. Further set aside the cancellation dated 24.02.2025 received through the speed post.</p> <p>As the complaint was filed by the complainant in the year 2021 before the Authority bearing no. 368 of 2021 and the same was decided by the Authority vide order dated 06.10.2021 with the following directions:</p> <ol style="list-style-type: none"><li><i>The respondent is directed to pay delayed possession charges at the prescribed rate of interest @09.30% p.a. for every month of delay from the due date of possession i.e., 02.01.2018 till the offer of possession of the subject flat after obtaining OC from the competent authority plus two months or handing over possession, whichever is earlier, as per section 19(10) of the Act.</i></li><li>After that, in the year 2022 the complainant filed an application before the AO in the year 2022.</li></ol>		



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

The complainant has paid a sum of Rs. 1,19,05,967/- against a total consideration of Rs. 1,18,23,600/-. However, despite receiving the huge aforesaid amount the respondent illegally cancelled the unit of the complainant vide cancellation letter dated 24.02.2025. Thus, the complainant is seeking directions from the respondent to set aside the cancellation letter and restrain the respondent from creating third party rights in respect of the subject unit.

This Authority is of view that a final order in this complaint was passed on 06.10.2021 deciding all issues on merits. The execution of that order is pending before the Adjudicating Officer for enforcement. As per settled legal principles, once a final adjudication has been rendered, the remedy for any grievance lies in the execution proceedings and not in filing a fresh complaint on the same cause of action.

The Hon'ble Supreme Court in **State of Punjab vs. Gurdial Singh**, AIR 1963 SC 440, has held that the doctrine of res judicata and finality of orders preclude re-litigation of the same dispute. Similarly, the Hon'ble National Consumer Disputes Redressal Commission in **DLF Homes Panchkula Pvt. Ltd. v. Dinesh Sharma** has reiterated that a party cannot approach the authority afresh once a final order is passed and execution is pending.

In view of the above, the present complaint is barred by res-judicata and not maintainable. It is accordingly dismissed.

Matter stands disposed off. File be consigned to the registry.

Arun Kumar  
Chairman  
01.08.2025