



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 441 OF 2025

Prem Kataria & Brij Bhushan Kataria

....COMPLAINANT

VERSUS

1. Conscient Infrastructure Pvt. Ltd.
2. M/s BCC Edutech Pvt. Ltd.
3. M/s Urban Buildmart Pvt. Ltd.

....RESPONDENTS

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Date of Hearing: 06.11.2025

Hearing: 2nd

Present: None for the complainant.

Mr. Munish Kumar Garg, counsel for the respondent through VC.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. The present complaint is filed by the Complainants, wanting reliefs for inter alia, (i) non-payment of delayed possession charges, (ii) imposition of unlawful/extra charges in the Final Call Letter dated 11.01.2022 and other

communications, (iii) refusal to execute conveyance/sale deed, and (iv) other connected reliefs.

2. Upon perusal of the pleadings and documents on record, it is observed that the Complainants themselves have placed on record in the captioned complaint the fact on page no. 11, paragraph no. 22 of the pleadings that they had earlier been parties to Complaint No. 463 of 2022 before this Authority in respect of the same unit no. A6-1002 in project "Habitat 78" developed by the Respondent Company., Sector 78, Faridabad. The said complaint was adjudicated by an order dated 19.07.2023, a copy whereof has been annexed by the Complainants as Annexure C-11 in the present proceedings.
3. The pleadings on page no. 12, from paragraph no. 26 to 28, further reveal that the Complainants have approached this Authority again primarily on the ground that despite the earlier adjudication, the Respondent has failed to comply with the directions issued vide order dated 19.07.2023. In essence, therefore, the present complaint is not based on any new or independent cause of action but arises purely out of alleged non-compliance of an earlier order passed by this Authority.
4. Authority observes that it is a well-settled principle of law that once an issue has been adjudicated upon between the same parties by a competent forum, it cannot be re-agitated through a fresh proceeding. The doctrine of res judicata enshrined under Section 11 of the Code of Civil Procedure, 1908, is



based on the legal maxim "*Interest reipublicae ut sit finis litium*", meaning that it is in the interest of the State that there should be an end to litigation. Judicial decisions must attain finality to prevent endless re-litigation of the same issues.

5. In this regard, it is pertinent to place reliance on the judgement given by the Hon'ble Supreme Court in *Satyadhyan Ghosal and Others vs. Sm. Deorajin Debi and Another* [AIR 1960 SC 941], wherein the Court observed as follows:

"The principle of res judicata is based on the need of giving a finality to judicial decisions. What it says is that once a res is judicata, it shall not be adjudged again. Primarily it applies as between past litigation and future litigation. When a matter-whether on a question of fact or on a question of law- has been decided between two parties in one suit or proceeding and the decision is final, either because no appeal was taken to a higher court or because the appeal was dismissed, or no appeal lies, neither party will be allowed in a future suit or proceeding between the same parties to canvass the matter again. This principle of res judicata is embodied in relation to suits in s. 11 of the Code of Civil Procedure; but even where s. 11 does not apply, the principle of res judicata has been applied by courts for the purpose of achieving finality in litigation. The result of this is that the original court as well as any higher court must in any future litigation proceed on the basis that the previous decision was correct. The principle of res judicata applies also as between two stages in the same litigation to this extent that a court, whether the trial court or a higher court having at an earlier stage decided a matter in one way will not allow the parties to re-agitate the matter again at a subsequent stage of the same proceedings."



6. The above-mentioned observation by the Hon'ble Supreme Court makes it abundantly clear that once a competent authority has adjudicated an issue on merits, the same cannot be reopened or re-litigated before the same forum or any other forum of concurrent jurisdiction. The appropriate course, in the event of non-compliance of a previously adjudicated order, is to invoke the execution proceedings for enforcement, and not to file a fresh complaint on identical issues.
7. In the present case, the three essential ingredients for the application of res judicata stand fully satisfied:

(a) Identity of parties: The Complainants in the present complaint i.e., Prem Kataria and Brij Bhushan Kataria, are also among the nineteen complainants in Complaint No. 463 of 2022, which has been filed through the Habitat 78 Flat Buyers Association and 18 other allottees. Hence, the parties are substantially identical and are litigating under the same title and interest. The principle of res judicata is therefore attracted to the extent of issues already adjudicated inter se these parties.

(b) Identity of subject-matter: The subject of both complaints pertains to the same project i.e., Habitat78, Sector 78, Faridabad and the same unit bearing No. A6-1002, with issues revolving around the same Buyer's Agreement, the Final Call Letter dated 11.01.2022, possession, and related demands.



(c) **Identity of cause of action:** The grievances and reliefs sought in the present complaint are identical to those claimed and already adjudicated in Complaint No. 463 of 2022, which culminated in the final order dated 19.07.2023.

8. It is, therefore, held that the present Complaint No. 441 of 2025, being founded on the same cause of action already adjudicated by this Authority in Complaint No. 463 of 2022, is barred by the doctrine of res judicata and consequently not maintainable before this Authority.
9. Accordingly, the complaint stands dismissed as not maintainable. This dismissal shall, however, be without prejudice to the right of the Complainants to seek enforcement of the earlier order dated 19.07.2023 by initiating appropriate execution proceedings before the competent executing forum in accordance with law.

File be consigned to record room after uploading of this order on the website of the Authority



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NADIM AKHTAR
[MEMBER]



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PARNEET S SACHDEV
[CHAIRMAN]