



PROCEEDINGS OF THE DAY		82
Day and Date	Tuesday and 06.01.2026	
Complaint No.	CR/3016/2025 Case titled as ILD Millennium Private Limited VS Pratibha	
Complainant	ILD Millennium Private Limited	
Represented through	Ms. Shikha Advocate	
Respondent	Pratibha	
Respondent Represented	Shri Karan Dorbi Advocate	
Last date of hearing	16.12.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
<p>The preset complaint was filed on 24.06.2025 and reply on behalf of respondent was received on 01.12.2025.</p> <p>That the respondent-allottee already filed complaint against the complainant-promoter bearing no. 1843 of 2025 titled as Pratibha and Manish Singhal Vs ILD Millennium Private Limited and same was decided on 10.10.2025 and detailed order of the same was uploaded on 17.12.2025. The operative part of the order is reproduced below for ready reference:-</p> <p><i>“ 24. Hence, the Authority hereby passes this order and issue the following directions under section 37 of the Act to ensure compliance of obligations cast upon the promoter as per the function entrusted to the authority under section 34(f):</i></p> <p><i>i. The respondent/promoter is directed to refund the amount i.e., Rs. 21,75,409/- received by it along with interest at the rate of 10.85% p.a. as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017 from the date of each payment till the actual realization of the amount.</i></p>		



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 लाईन्स, गुरुग्राम, हरियाणा

- ii. *A period of 90 days is given to the respondent to comply with the directions given in this order and failing which legal consequences would follow.*

That after consideration of all the facts and circumstances, Authority is of view that the present complaint seeking the direction to respondents-allottees to accept the refund of amount is not maintainable in light of the fact that the respondent-allottee had already exercised the remedy of refund of entire amount @10.85% under Section 18 of the Real Estate (Regulation and Development) Act, 2016 ("RERA Act") which was granted on 10.10.2025.

Therefore, subsequent complaint on same cause of action is barred by the principle of res-judicata as provided under Section 11 of the Code of Civil Procedure, 1908 (CPC). Section 11 CPC is reproduced as under for ready reference:

“11. Res judicata.—No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Explanation I.—The expression “former suit” shall denote a suit which has been decided prior to a suit in question whether or not it was instituted prior thereto.

Explanation II. —For the purposes of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court.

Explanation III. —The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation IV. —Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation V.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall for the purposes of this section, be deemed to have been refused.

Explanation VI.—Where persons litigate bona fide in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.



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CR/3016/2025

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1[Explanation VII.]—*The provisions of this section shall apply to a proceeding for the execution of a decree and references in this section to any suit, issue or former suit shall be construed as references, respectively, to a proceeding for the execution of the decree, question arising in such proceeding and a former proceeding for the execution of that decree.*

Explanation VIII. —*An issue heard and finally decided by a Court of limited jurisdiction, competent to decide such issue, shall operate as res judicata in a subsequent suit, notwithstanding that such Court of limited jurisdiction was not competent to try such subsequent suit or the suit in which such issue has been subsequently raised.”*

The Authority is of view that though the provisions of the Code of Civil Procedure, 1908 (CPC) is, as such, not applicable to the proceedings under the Act, save and except certain provisions of the CPC, which have been specifically incorporated in the Act, yet the principles provided therein are the important guiding factors and the Authority being bound by the principles of natural justice, equity and good conscience has to consider and adopt such established principles of CPC as may be necessary for it to do complete justice. Moreover, there is no bar in applying provisions of CPC to the proceedings under the act if such provision is based upon justice, equity and good conscience. 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.


P.S. Saini
Member


Arun Kumar
Chairman
06.01.2026