



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

| PROCEEDINGS OF THE DAY | | 19 |
|--|--|-----------|
| Day and Date | Thursday and 12.03.2026 | |
| Complaint No. | CR/2638/2025 Case titled as Sudipta Das VS Imperia Structures Limited & Harpreet Singh Batra & Brajinder Singh Batra & Harjeet Singh Batra & Karan Singh & Ram Singh & DS Gill | |
| Complainant | Sudipta Das | |
| Represented through | Shri B.L. Jangra Advocate | |
| Respondent | Imperia Structures Limited & Harpreet Singh Batra & Brajinder Singh Batra & Harjeet Singh Batra & Karan Singh & Ram Singh & DS Gill | |
| Respondent Represented through | Ms. Priya Sharma, Advocate (filed Power of Attorney) | |
| Last date of hearing | 26.02.2026 | |
| Proceeding Recorded by | Naresh Kumari and HR Mehta | |
| Proceeding-cum-Order | | |
| <p>The present complaint was filed on 06.08.2025 and reply on behalf of the respondent had not been received till date.</p> <p>Meanwhile, the respondent has filed an application dated 24.09.2025 under Sections 35 & 36 of the Real Estate (Regulation and Development) Act, 2016 read with Article 113 of the Limitation Act, 1963 for dismissal of complaint on the following grounds:</p> <ol style="list-style-type: none">1. Barred by Limitation: The complaint is ex facie time-barred under Article 113 of the Limitation Act, 1963. The Occupancy Certificate was obtained on 02.06.2020, and the complaint filed in 2025 is beyond the permissible three-year period, with no explanation for delay.2. Res Judicata / Abuse of Process: The issues raised have already been settled and adjudicated between the parties, including proceedings before the Ld. Magistrate at Dwarka and dismissal of the Execution Petition by the Hon'ble | | |

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण/ गुरुग्राम
CR/2638/2025

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

NCDRC on 15.04.2025. Re-agitation of settled issues is barred under Section 11 CPC and amounts to abuse of judicial process.

3. RERA Act is not applicable to Virtual Spaces: The subject matter pertains to a virtual/unlockable space, which is not a physical or demarcated unit. Such spaces fall outside the scope and ambit of the RERA Act, 2016, as conclusively held in Anchal Garg vs. WTC Noida Development Company Pvt. Ltd. (UPREAT, 21.03.2025).
4. No Cause of Action survives: Possession was duly offered upon grant of OC, and repeated requests were made for execution of the Conveyance Deed. The complainant's prolonged inaction and failure to clear dues extinguishes any alleged cause of action.
5. Complainant in breach of statutory obligations: The complainant failed to comply with mandatory duties under Sections 19(10) and 19(11) of the RERA Act by not taking possession or executing the Conveyance Deed despite repeated notices.
6. Claims are compensatory in nature – Lack of Jurisdiction: The relief sought pertains to lease rent/assured returns, which are compensatory and fall exclusively within the jurisdiction of the Adjudicating Officer under Section 71, not before the Regulatory Authority (Lavasa Corporation Ltd. vs. Jitendra Bhargava).
7. Multiplicity of Proceedings / Double Jeopardy: Repeated litigation on identical facts after settlement and adjudication subjects the respondent to impermissible multiplicity of proceedings and harassment.
8. Equitable Relief Barred by Conduct: The complainant, having slept over alleged rights for nearly five years and being in continuing default, is disentitled from invoking the equitable jurisdiction of this Hon'ble Authority.

A reply to said application has been filed by the complainant on 13.11.2025 wherein it is stated that pursuant to mediation proceedings arising out of FIR No. 160/17 registered at PS Dwarka North under Sections 420 and 406 IPC, the complainant and the respondent entered into a settlement, which was strictly limited to the criminal proceedings and was expressly made subject to full compliance of its terms by the respondent. In terms of the settlement, the respondent agreed to allot a commercial unit admeasuring 1000 sq. ft. in the project "Imperia Mindspace", Sector-62, Gurugram, and to pay assured returns at the rate of ₹36/- per sq. ft. per month from 01.10.2019 till issuance of the Occupancy Certificate, followed by payment of actual lease rent thereafter.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR/2638/2025

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Despite the aforesaid settlement and execution of the Buyer's Agreement pursuant thereto, the respondent failed to honour its commitments. The respondent neither paid the assured returns in accordance with the settlement nor handed over lawful possession of the allotted unit within the agreed timeline. Further, even after obtaining the Occupation Certificate, the respondent failed to execute the conveyance deed or grant occupancy rights to the complainant, thereby frustrating the very purpose of the settlement. It is pertinent to state that the settlement itself categorically provided that in the event of non-compliance, the settlement would become null and void and the aggrieved party would be at liberty to pursue appropriate legal remedies. In view of the respondent's continued breach, delay, and non-performance, the settlement has lost its binding force. The respondent cannot take advantage of its own wrong and is liable under Section 18 of the Real Estate (Regulation and Development) Act, 2016 to refund the amount deposited along with statutory interest for failure to hand over possession and comply with its contractual and statutory obligations. The present complaint emanates from buyer's agreement dated 07.10.2019 whereby commercial unit no.'s 1 and 1A, on 10th floor, admeasuring 1000 sq. ft. of the project "Imperia Mindspace" were allotted by the respondent to the complainant in lieu of earlier two units booked by the complainant. The possession of the unit was to be handed over on or before 07.10.2019. However, despite receiving the OC on 02.06.2020, the respondent failed to handover the possession to the complainant within the stipulated time. Finally, an offer of possession dated 17.11.2023 was issued to the complainant i.e., after a lapse of more than three years from the date of obtaining OC. Herein, the cause of action to file the present complaint arose on 17.11.2023 when the respondent sent offer of possession and the complaint was filed by the complainant on 23.05.2025, therefore, the present complaint is within the period of limitation. In view of continued delay, non-execution of conveyance deed, and unfair trade practices, the complainant is no longer interested in retaining the unit and has rightly sought refund along with statutory interest. Further, the project in question is a RERA registered project and therefore, the provisions of RERA Act, 2016 are fully applicable to the respondent and the said project. Thus, the present complaint is maintainable before the Authority and deserves to be adjudicated under the provisions of Section 31 of the Act.

Ms. Priya Sharma, Advocate appeared on behalf of the respondent and filed her Power of Attorney today. Same is taken on record.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
26/3/2025

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

The Authority observes that the present complaint has been filed by the complainant despite the execution of a Settlement Agreement dated 24.09.2019 between the parties, whereby all disputes arising out of the subject unit stood amicably resolved. Perusal of documents placed on record and submissions made by both the parties reveals that the complainant subsequent to the said settlement, initiated a complaint before the Hon'ble NCDRC and subsequently filed an execution application based on the same grievances. The said execution petition was dismissed as not maintainable vide order dated 15.04.2025 on the ground that the said matter had already been settled. Relevant part of order dated 15.04.2025 is reiterated herein for ready reference:

"

*In view of the settlement already arrived at between the parties, we are of the considered view that restoring the Complaint at this stage makes no legal sense and the **option available for the Applicant/Complainant is only by way of filing an Execution Application on the said order of this Commission dated 31.01.2020 if in case it considers that the terms of the settlement have not been complied by the Opposite Party.***

*Accordingly, M.A. No. 481/2024 is **dismissed as not maintainable.***"

It is a settled proposition of law that once parties have voluntarily entered into a lawful settlement and have acted upon the same, the principle of accord and satisfaction applies, extinguishing all prior claims covered under such settlement. The sanctity of contracts and finality of settlements cannot be permitted to be defeated by re-agitating concluded issue. The jurisdiction of this Authority under the Real Estate (Regulation and Development) Act, 2016 is regulatory in nature and cannot be invoked to reopen disputes that stand settled by mutual agreement.

Thus, the present complaint, being founded on issues already settled and acknowledged in writing by the complainant, is not maintainable before this Authority. Any grievance arising out of alleged non-compliance or breach of the settlement agreement constitutes a separate cause of action. The



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण | गुरुग्राम
CR/2638/2025

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

appropriate remedy, if any, lies before a competent forum in accordance with law.

In view of the above, the application filed by the respondent for dismissal of complaint on 24.09.2025 is hereby allowed. Therefore, the present complaint filed before the Authority is held to be not maintainable and is accordingly dismissed.

File be consigned to the registry.


P.S. Saini
Member
12.03.2026