



## **HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA**

Website: [www.haryanarerera.gov.in](http://www.haryanarerera.gov.in)

### **1. COMPLAINT NO. 498 OF 2025**

Kalka Educational Society through its  
authorized representative ....COMPLAINANT(S)

VERSUS

1. Countrywide Promoters Pvt Ltd.  
2. BPTP Ltd  
3. Dakshin Haryana Bijli Vitran Nigam Ltd  
4. Business Park Maintenance Services Pvt Ltd. ....RESPONDENT(S)

**CORAM:**      **Parneet Singh Sachdev**                              **Chairman**  
                            **Nadim Akhtar**                                      **Member**  
                            **Dr. Geeta Rathee Singh**                              **Member**

**Date of Hearing:** 22.01.2026

**Hearing:** 2<sup>nd</sup>

**Present:** - Mr. Munish Gupta & Mr. Manjinder, Counsels for the  
Complainant through VC.

Mr. Tejeshwar Singh, Counsel for the respondent no. 1,2 and 4.

None for the respondent no. 3.

**ORDER (PARNEET S. SACHDEV-CHAIRMAN)**

1. Captioned complaint was filed by complainant in registry on 09.04.2025 in capacity of allottee of 5 acres land-II High School situated in project-'Parklands' Faridabad. Said land was allotted vide agreement to sell executed between complainant and respondent no. 1 and 2 dated 21.08.2015. Conveyance deed for the land in question stands executed on 16.10.2025. Now, captioned complaint has been filed seeking following reliefs:-
  - a. Respondents no. 1 and 2 may kindly be directed to ensure that entire electricity infrastructure, as required for plot in question is in place, so that electricity connection of 200KVA is provided to complainant and complainant would pay the supply charges, as required.
  - b. Respondents no. 1 and 2 may kindly be directed to withdraw their demand of Rs 22,393/- as per KVA raised vide email dated 14.02.2024 (Annexure C-12).

c. Respondents no. 1 and 2 may kindly be directed to provide sewerage connection and water connection at earliest.

d. Respondent no. 4 be directed to refund the maintenance charges paid by the complainant till date and restrain itself from demanding/charging any maintenance charges till all the basic amenities/facilities are provided at the spot.

e. The respondent no. 4 may kindly be directed to withdraw the invoices (Annexure C-9 and C-14).

f. Any other order which this Hon'ble Authority may deem fit and proper in favor of complainant.

2. Respondents no. 2 and 4 had filed their reply challenging maintainability of complaint in registry on 04.11.2025. It is stated that complaint is barred by principle of res sub judice, the complainant herein has filed a separate matter before the Hon'ble Civil Judge Junior Division, Faridabad bearing no. CS 3086/2023 which is pending adjudication. Moreover, said case also involves same parties and similar reliefs. A tabular representation of relief sought by the complainant in the present complaint and the civil suit evidencing that the relief sought by the complainant herein is substantially similar is as follows:-



Relief sought in present complaint no. 498/2025	Relief sought in present complaint no. 3086/2023
<p>a. Respondents no. 1 and 2 may kindly be directed to ensure that entire electricity infrastructure, as required for plot in question is in place, so that electricity connection of 200KVA is provided to complainant and complainant would pay the supply charges, as required.</p>	<p>a. Pass a decree of mandatory injunction thereby directing the defendants to provide electricity connection at the suit property i.e. Kalka Public School situated in Block V, Sector 76, Parklands, Faridabad.</p>
<p>b. Respondents no. 1 and 2 may kindly be directed to withdraw their demand of Rs 22,393/- as per KVA raised vide email dated 14.02.2024 (Annexure C-12).</p>	<p>b. Pass a decree of mandatory injunction thereby directing the defendant no. 1 and 2 to withdraw the proforma invoice dated 14.07.2023 and 26.02.2024.</p>
<p>c. Respondents no. 1 and 2 may kindly be directed to provide sewerage connection and water</p>	<p>c. Pass a decree of permanent injunction in favor of plaintiff and against the defendant no. 4 thereby restraining the defendant, his agents, servants, assignees</p>

<p>connection at earliest.</p> <p>d. Respondent no. 4 be directed to refund the maintenance charges paid by the complainant till date and restrain itself from demanding/charging any maintenance charges till all the basic amenities/facilities are provided at the spot.</p>	<p>and representatives to raise further invoice for maintenance till the date they decided the charges for maintenance and they start providing any services to the plaintiff, in the interest of justice.</p> <p>d. Costs of the suit be awarded in favor of the plaintiff and against the defendants.</p>
<p>c. The respondent no. 4 may kindly be directed to withdraw the invoices (Annexure C-9 and C-14).</p>	<p>c. Pass any such order or directions as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the plaintiff and against the defendants.</p>
<p>f. Any other order which this Hon'ble Authority may deem fit and proper in favor of complainant.</p>	



3. That before the Civil Court, the complainant seeks reliefs regarding providing electricity connections, withdrawal of Performa invoices, no to charge maintenance charges and similar reliefs have been sought before this Ld. Authority. It is pertinent to mention that the Hon'ble Civil Judge Junior division vide order dated 11.12.2023 granted interim relief to the complainant by holding as follows:-

*"In light of above discussion, the court is of the opinion that the plaintiff is entitled to have electricity connection for his property from either/both defendants no.1 & 2 as well as defendant no.3 as per his choice subject to payment of the regular charges of providing the electricity connection in order to meet the demand of the particular load that it requires with the rights to challenge the correctness of the demands raised by either of the defendants during the pendency of the suit or by a separate litigation. The application under order XXXIX rule 1 & 2 of CPC filed by plaintiff, stands allowed accordingly."*

4. Furthermore, the conveyance deed was executed between the parties in 2015 and the complainant has filed the present complaint after a delay of almost ten years thus, the present complaint is grossly barred by limitation.
5. Today, ld. counsel for complainant referring to previous order dated 06.11.2025 sought some more time to collect dasti notice for service of respondent no. 3.
6. Ld. counsel for respondent no. 2 and 4 argued that present complaint is not maintainable being barred by res sub-judice.

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7. Perusal of complaint file reveals that complainant in para 17 of its pleadings has duly stated about the filing and pendency of civil suit no. 3086/2023. However, in para 21 of its pleadings it is mentioned that civil suit will be withdrawn. Para 21 is reproduced below for reference:-

*"That it is submitted that under the legal advice, at that stage, civil suit was filed, however the complainant undertakes to withdraw the same and since the instant project is RERA registered within the jurisdiction of this Hon'ble Authority, the instant complaint is being filed seeking redressal of the grievances of the complaint"*

8. At this stage, query was raised to ld. counsel for complainant as to whether the civil suit stands withdrawn or not?. To which, he sought time to seek instructions. On the other hand, ld. counsel for respondent stated that civil suit is still pending and was last listed for hearing on 16.01.2026.

9. Details and latest status of pending civil suit has been fetched from website of the Court wherein it is shown as pending for 16.03.2026. Order dated 16.01.2026 is reproduced below for reference:-

*"Today the case was fixed for presence of plaintiff. Learned counsel for the plaintiff has appeared before the Court and marked his*

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*presence. Today the case was fixed for arguments on application under Order 7 Rule 17 of CPC read with Order 1 Rule 10 of CPC and Section 151 of CPC. Arguments not advanced. Adjournment is sought by learned counsel for the plaintiff. Heard and allowed. Now, the case is adjourned to 16.03.2026 for arguments on the above said application."*

10. As per said order clearly establish that complainant has not withdrawn the Civil Suit. As such, two complaints for same reliefs cannot be proceeded with together. At this stage, it is pertinent to refer judgment dated 05.04.2013 passed by Hon'ble Supreme Court in Civil Appeal No. 2908/2013 titled as Aspi Jal & Anr. Vs Khushroo Rustom Dadyburjor wherein it has been observed as follows:-

*"Section 10 of the Code which is relevant for the purpose reads as follows:*

*" 10. Stay of suit.- No Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where such suit is pending in the same or any other Court in India having jurisdiction to grant the relief claimed, or in any Court beyond the limits of India established or continued by the Central Government and having like jurisdiction, or before the Supreme Court. Explanation.- The pendency of a suit in a*

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*foreign Court does not preclude the Courts in India from trying a suit founded on the same cause of action."*

*From a plain reading of the aforesaid provision, it is evident that where a suit is instituted in a Court to which provisions of the 8 Page 9 Code apply, it shall not proceed with the trial of another suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties. For application of the provisions of Section 10 of the Code, it is further required that the Court in which the previous suit is pending is competent to grant the relief claimed. The use of negative expression in Section 10, i.e. "no court shall proceed with the trial of any suit" makes the provision mandatory and the Court in which the subsequent suit has been filed is prohibited from proceeding with the trial of that suit if the conditions laid down in Section 10 of the Code are satisfied. The basic purpose and the underlying object of Section 10 of the Code is to prevent the Courts of concurrent jurisdiction from simultaneously entertaining and adjudicating upon two parallel litigations in respect of same cause of action, same subject matter and the same relief. This is to pin down the plaintiff to one litigation so as to avoid the possibility of contradictory verdicts by two courts in respect of 9 Page 10 the same relief and is aimed to protect the defendant from multiplicity of proceeding. The view which we have taken finds support from a decision of this Court in National Institute of Mental Health & Neuro Sciences vrs. C.Parameshwara, (2005) 2 SCC 256 in which it has been held as follows:*

*" 8. The object underlying Section 10 is to prevent courts of concurrent jurisdiction from simultaneously trying two parallel suits in respect of the same matter in issue. The object underlying Section 10 is to avoid two parallel trials on the same issue by two courts and to avoid recording of conflicting findings on issues which are directly and substantially in issue in previously instituted suit. The language of Section 10 suggests that it is referable to a suit instituted in the civil court and it cannot apply*

*to proceedings of other nature instituted under any other statute. The object of Section 10 is to prevent courts of concurrent jurisdiction from simultaneously trying two parallel suits between the same parties in respect of the same matter in issue. The fundamental test to attract Section 10 is, whether on final decision being reached in the previous suit, such decision would operate as res-judicata in the subsequent suit. Section 10 applies only in cases where the whole of the subject-matter in both the suits is identical. The key words in Section 10 are "the matter in issue is directly and substantially in issue" in the 10 Page 11 previous instituted suit. The words "directly and substantially in issue" are used in contradistinction to the words "incidentally or collaterally in issue". Therefore, Section 10 would apply only if there is identity of the matter in issue in both the suits, meaning thereby, that the whole of the subject-matter in both the proceedings is identical."*

*In the present case, the parties in all the three suits are one and the same and the court in which the first two suits have been instituted is competent to grant the relief claimed in the third suit. The only question which invites our adjudication is as to whether "the matter in issue is also directly and substantially in issue in previously instituted suits". The key words in Section 10 are "the matter in issue is directly and substantially in issue in the previously instituted suit". The test for applicability of Section 10 of the Code is whether on a final decision being reached in the previously instituted suit, such decision would operate as res-judicata in the subsequent suit."*

11. The principle of *res sub judice*, embodied in Section 10 of the Code of Civil Procedure, 1908, is a rule of sound judicial policy designed to prevent parallel adjudication, conflicting decrees, and the mischief of forum shopping. It proceeds on the foundational premise that if the matter in issue is directly and substantially the same, between the same parties and founded on the same cause of

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action, the later court must stay its hand in deference to the court first seized of jurisdiction. The *Hon'ble Supreme Court, in Indian Bank v. Maharashtra State Co-operative Marketing Federation Ltd.* (1998) 5 SCC 69, underscored that the object of Section 10 is to avoid “judicial chaos” and multiplicity of proceedings, holding that permitting simultaneous trials on identical issues would not only waste judicial time but also imperil the integrity of the adjudicatory process. Equally, in *Manohar Lal Chopra v. Rai Bahadur Rao Raja Seth Hiralal*, AIR 1962 SC 527, the Court cautioned that while Section 10 restrains the trial of a subsequent suit, courts retain inherent powers to prevent abuse of process, reinforcing that the doctrine is ultimately rooted in fairness, comity, and the orderly administration of justice.

Keeping in view the above discussion, judicial pronouncements and the fact that complaint between same parties as is in present complaint with the same reliefs is pending before the Civil Court, Faridabad, the present complaint cannot be proceeded with any further.



12. The complaint is thus dismissed being not maintainable. File be consigned in the record room after uploading of the order on the website of the Authority.

  
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**DR. GEETA RATHEE SINGH**  
[MEMBER]

  
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**NADIM AKHTAR**  
[MEMBER]

  
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**PARNEET S. SACHDEV**  
[CHAIRMAN]