

under Section 10 of the Code of Civil Procedure, 1908 (CPC). Section 10, CPC is reproduced as under for ready reference:

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

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. Further, 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.

Moreover, where two remedies are available for the same relief, the party to whom such remedies are available has the option to elect either of them, but it cannot exercise both options simultaneously as any parallel proceedings before this Authority may result in conflicting findings and multiplicity of litigation, which ought to be avoided in the interest of justice and judicial propriety.

Thus, in view of the factual as well as legal provisions, the present complaint stands dismissed being not maintainable with liberty to file a fresh, if any cause of action survives.

The present complaint stands disposed of. File be consigned to registry.



Arun Kumar
Chairman

25.08.2026