

PROCEEDINGS OF THE DAY		33
Day and Date	Tuesday and 25.08.2026	
Complaint No.	CR/3826/2025 Case titled as ILD Millennium Private Limited VS Piyush Kumar & State Bank of India	
Complainant	ILD Millennium Private Limited	
Represented through	Ms. Himani Advocate	
Respondent	Piyush Kumar & State Bank of India	
Respondent Represented through	None	
Last date of hearing	28.07.2026	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The preset complaint was filed on 08.08.2025 and reply on behalf of respondent 1 has not been filed & reply on behalf of respondent no. 2 filed on 13.01.2026. However, despite due service of notice, neither anyone has appeared on behalf of respondent no.1 nor any reply to the present complaint has been filed till date. In view of the above, respondent no.1 proceed ex-parte. None appeared on behalf of respondent no.1.

It has been brought to the notice of the Authority that respondent no.2 (SBI Bank) has filed a petition in the DRT-2 vide petition No. TA/1103/2024 (DRT-2, New Delhi as the Unit declared under NPA by SBI. The matter is still under Adjudication before the DRT-II, New Delhi.

After considering the above, the authority is of the view that the subsequent complaint on same cause of action between the same parties of the matter already sub-judice before the court of competent jurisdiction is clear abuse of

the process of law and is barred by the principle of res sub-judice as provided 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].*

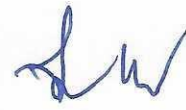
Explanation. —The pendency of a suit in a foreign Court does not preclude the Courts in [India] from trying a suit founded on the same cause of action."

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