

PROCEEDINGS OF THE DAY		44
Day and Date	Tuesday and 25.08.2026	
Complaint No.	CR/1153/2026 Case titled as Irene Apartment Owners Association through Om Shanker Pandey and Vikas Das VS Classic Infra Solution	
Complainant	Irene Apartment Owners Association through Om Shanker Pandey and Vikas Das	
Represented through	Shri Saurabh Sain proxy counsel	
Respondent	Classic Infra Solution	
Respondent Represented through	Shri Dhruv Rohtagi Advocate	
Last date of hearing	07.07.2026	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-order The preset complaint was filed on 23.06.2025 and reply on behalf of respondent no. 1 has been filed on 07.07.2026. The counsel for the complainant states that the complainant is seeking directions to the respondent no. 2 to refund maintenance charges, electricity charges to repair structural defects and to pay the delayed possession charges. The counsel for the respondent states that the complainant and its governing body has ceased its existence, following of its expiry term on 04.05.2026. Further Arbitration petition between <i>Irene Apartment Owners Association VS Classic Infra Solution</i> bearing Arbitration petition No.75 of 2026 before Civil Judge, Gurugram is pending. Further states that the respondent has obtained the occupation certificate on 23.06.2017 before enactment of RERA Rules, 2017. Hence in view of the above, the present complaint is not maintainable before this Authority.		

Arguments heard.

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