

| <b>PROCEEDINGS OF THE DAY</b> |  | <b>64</b> |
|-------------------------------|--|-----------|
| Day and Date                  | Wednesday and 03.07.2024   |           |
| Complaint No.                 | CR/1002/2023 Case titled as Laxman Singh Yadav VS Landmark Apartment Private Limited |           |
| Complainant                   | Laxman Singh Yadav   |           |
| Represented through           | Shri Aditya Gupta Advocate   |           |
| Respondent                    | Landmark Apartment Private Limited   |           |
| Respondent Represented        | Shri Amarjeet Kumar Advocate   |           |
| Last date of hearing          | 13.03.2024   |           |
| Proceeding Recorded by        | Naresh Kumari and HR Mehta   |           |

### **Proceedings**

Vide proceedings dated 13.03.2024, the complainant was directed to respond to the application for dismissal filed by the respondent. Accordingly, the complainant has filed reply to the said application.

The respondent vide its application for dismissal of complaint has submitted that the present complaint is not maintainable and barred by the principle of res-judicata, Order 2 Rule 2 CPC and also under the law of limitation as the complainant has previously filed a complaint bearing no. 952 of 2018 seeking assured return as per the MoU alongwith incidental relief and the Authority has already decided the said complaint vide order dated 31.01.2019. Therefore, a subsequent complaint is not maintainable before this Authority under the above-said provisions.

The counsel for the complainant vide reply to the dismissal application has submitted that the relief sought in both the complaints are entirely different and have no lines overlapping. Further the relief sought in the former complaint has been a contractual relief which has been claimed on the basis of MoU entered between the parties, whereas the relief claimed in the instant complaint is a statutory relief evolving from the Act and rules. Moreover, the former complaint was not decided on merits rather the Authority has directed the parties to settle the issue of assured return, amicably outside the



**HARERA**  
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**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

Authority.

The counsel for the respondent seeks an adjournment to argue the matter as he has obtained a copy of reply today itself.

Matter to come up on 04.09.2024 for further proceedings.

Ashok Sangwan  
Member  
03.07.2024