

PROCEEDINGS OF THE DAY		20
Day and Date	Wednesday and 20.11.2024	
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	04.09.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

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 Authority.

Heard.

Certain pertinent question have been raised by the parties in the matter w.r.t the issue of res judicata and fresh cause of action arising after the passing of the order dated 31.01.2019 and rectification dated 25.08.2022.

Matter may be placed before the full bench on **11.02.2025** for further proceedings.

Ashok Sangwan
Member
20.11.2024