



2025:DHC:4258



\$~63

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 20.05.2025***+ **C.R.P. 91/2025**

VAIKUNTH MULTISTATE CGHS LTD & ORS.Petitioners

Through: Ms. Kajal Dewan and Ms. Mehak
Gupta, Advs.

versus

MRS. KANTA RANIRespondent

Through: Mr. Bijendra Pratap Singh, Adv.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. This Court had after hearing the parties on 07.04.2025 passed a detailed order. The relevant extract of which is set out below:

“7. The present Petition has been filed under Section 15(1) of the Code of Civil Procedure, 1908 (CPC) impugning the order dated 01.10.2024 [hereinafter referred to as “Impugned Order”] passed by learned ADJ-03, South-West District, Dwarka Courts. By the Impugned Order, the Application under Order VII Rule 11 of the CPC filed by the Petitioners was dismissed by the learned Trial Court.

8. It is the case of the Petitioners that the Plaint is barred under the provisions of Section 79 of the Real Estate (Regulatory and Development) Act, 2016 [hereinafter referred to as “RERA Act”] which expressly bars the jurisdiction of Civil Courts in respect of disputes between builders and buyers which fall under the RERA Act.

9. Learned Counsel for the Petitioners submits that entire plaint is in the nature of builder-buyer dispute. The Respondent has herself given the details of the project proposed by the Petitioners and the receipts of the payment made to the Petitioners are also annexed. He thus, submits any complaint or grievance against the builder is required to be entertained before the Authority appointed under the



RERA Act. It is contended that the Civil Court has no jurisdiction to try and entertain the Plaint. Reliance is placed upon the judgments passed by the Supreme Court in **Imperia Structures Ltd Vs. Anil Patni and Ors.**; AIR 2021 SC 70 and in **Kamala and Ors. Vs. K. T. Eshwara Sa and Ors.**; (2008) 12 SCC 661.

10. An examination of the Impugned Order shows that the learned Trial Court has given a finding that whether or not the suit is barred by the RERA Act is a mixed question of fact and law which can be decided at the appropriate stage and has thus dismissed the Application. Prima facie, the finding of the learned Trial Court is incorrect.

11. Issue Notice. On steps being taken, let Notice be issued to the Respondent via all modes, dasti in addition. An affidavit of service be filed within a week.

12. List on 23.04.2025.

13. In the meantime, the parties shall file their short note of contentions in the matter, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon. All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.”

2. Learned Counsel for the Respondent submits that he has instructions to withdraw the suit as filed by the Respondent/Plaintiff before the learned Trial Court and thus, the present Petition will become infructuous.

3. Learned Counsel for the Respondent submits that he will take appropriate steps before the learned Trial Court within a period of two weeks. The Respondent is bound down by the statement made by their Counsel.

4. Learned Counsel for the Petitioners submits that the Petition can be disposed of in view of the statement made by the learned Counsel for the



2025:DHC:4258



Respondent before this Court today with liberty to revive the same, if the necessity arises.

5. The Petition is disposed of in the foregoing terms. Liberty as sought for is so granted *albeit* in accordance with law.

6. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 20, 2025/r

[Click here to check corrigendum, if any](#)