

ITEM NO.3 Court 4 (Video Conferencing) SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 23386/2019

(Arising out of impugned final judgment and order dated 04-09-2019
in CMM No. 621/2019 passed by the High Court Of Delhi At New Delhi)

TODAY HOMES AND INFRASTRUCTURE PVT LTD Petitioner(s)

VERSUS

AJAY NAGPAL & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.149198/2019-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT)

Date : 02-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Ms. Kanika Agnihotri, Adv.
Mr. Ashu Kansal, Adv.
Ms. Niharika Ahluwalia, AOR

For Respondent(s) Mr. Manish K. Bishnoi, AOR

UPON hearing the counsel the Court made the following
O R D E R

In the present matter, the question which came up for
consideration before the High Court was :-

"...whether proceedings under the Consumer Protection
Act, 1986 [hereinafter referred to as "CPA"] can be
commenced by home buyers (or allottees of properties in
proposed real estate development projects) against
developers, after the commencement of the Real Estate
(Development and Regulation) Act, 2016 [hereinafter
referred to as "RERA"].

Relying on the decision of three Judges of this Court in
Pioneer Urban Land and Infrastructure Ltd. & Anr. Vs. Union of
India [(2019) SCC Online SC 1005], the High Court concluded as

under :

"22. On the basis of the above discussion, I am of the view that the judgment in Pioneer (supra) constitutes the law declared by the Supreme Court under Article 141 of the Constitution, even in respect of the question raised in these petitions. Following the said judgment, therefore, it is held that the remedies available to the respondents herein under CPA and RERA are concurrent, and there is no ground for interference with the view taken by the National Commission in these matters."

In the meantime, in M/s Imperia Structures Ltd. Vs. Anil Patni and Another [Civil Appeal Nos.3581-90/2020 and Civil Appeal No.3591/2020, it has been held by this Court that Section 79 of the RERA Act would not in any way bar the Commission or Forum under the provisions of the Consumer Protection Act to entertain any complaint on behalf of an allottee.

Thus, the instant matter stands concluded by decisions of this Court in Pioneer Urban Land and Infrastructure Ltd. and M/s Imperia Structures Ltd.

In the circumstances, we see no reason to interfere in the matter. This SLP is therefore, dismissed.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER