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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **C.R.P. 344/2023 & CM Appl.60670/2023**

M/S TDI INFRASTRUCTURE LIMITEDPetitioner

Through: Mr. Neeraj Yadav and Mr. Sidharth Arora, Adv.

versus

ANIL KUMAR MAKKAR & ANR.Respondents

Through: Mr. A.K. Gupta, Adv.

(44)

+ **C.R.P. 345/2023 & CM APPL. 60811/2023, CM APPL.11668/2025**

M/S TDI INFRASTRUCTURE LIMITEDPetitioner

Through: Mr. Neeraj Yadav and Mr. Sidharth Arora, Adv.

versus

SEEMA GUPTARespondent

Through: Mr. A.K. Gupta, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **20.05.2025**

1. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] impugning the order dated 04.08.2023 [hereinafter referred to as "Impugned Order"] passed by the learned Additional Senior Civil Judge, New Delhi District, Patiala House Court, New Delhi. By the Impugned Order, the learned Trial Court has dismissed the Application under Order VII Rule 11 of the CPC filed by the Petitioner/Defendant.

2. Briefly the facts are that the Respondent/Plaintiff has filed a suit for permanent and mandatory injunction of recovery of Rs. 67,000/- along with other prayers against the Petitioner/Defendant pursuant to a Builder-Buyer Agreement.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 22/05/2025 at 12:15:18



3. The attention of learned Counsel for the Petitioner is drawn to the provisions of Real Estate (Regulation and Development) Act, 2016 [hereinafter referred to as “RERA Act”], more specifically Section 79 of the RERA Act, which expressly bars the jurisdiction of Civil Courts in respect of disputes between builders and buyers, which fall under the RERA Act.

4. Learned Counsel for the Petitioner requests for some time to examine the provisions of RERA Act and makes submissions on the aspect of maintainability.

5. List on 26.05.2025.

6. In the meantime, the Registry is directed to urgently place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

TARA VITASTA GANJU, J

MAY 20, 2025/r

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