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

+ W.P.(C) 11810/2018 & CM APPL.45758/2018

MASCOT BUILDCON PRIVATE LIMITED Petitioner
Through: Mr.Assem Mehrotra, Advocate.

versus

DIRECTOR GENERAL OF ANTI-PORFITEERING
THROUGH DIRECTOR GENERAL & ANR. Respondents
Through: Mr.Satish Aggarwala, Sr.Standing Counsel.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE PRATEEK JALAN

% **ORDER**
31.10.2018

Issue notice.

Mr.Satish Aggarwala, Sr.Standing Counsel for the respondents
accepts notice.

With the consent of the parties the petition is taken up for hearing.

The petitioner is aggrieved by an notice dated 13.09.2018 issued by
the respondent No.1/Directorate General of Anti-Profiteering through
Director General, which apparently received the complaint by the flat buyer
who had booked a place in the petitioner's commercial project at 'Oodles
Skywalk' Sector 83, Gurgaon. The petitioner on receipt of notice, replied
urging various contentions including *inter alia* that the complainant had
resiled and approached another authority i.e. the Real Estate Regulatory

Authority (RERA) seeking refund of the amounts paid.

Besides, other disputes with respect to the exercise of jurisdiction were urged. In fact, the respondent No.1 replied but did not deal with the question of jurisdiction nor other factual aspects urged by the petitioner.

This Court is of the opinion that the respondent No.1 should at the first instance deal with the reply to the impugned notice (given by the petitioner on 28.09.2018), and indicate their response, with some brief reasons. In the event the petitioner has surviving grievances, it is open to it to pursue the remedies in accordance with law.

At the same time, this Court has not gone into the issue of territorial jurisdiction under Article 226 of the Constitution of India. The petitioner has booked a flat to be constructed in Gurgaon and is also a resident of Ambala.

The writ petition is disposed of in the above terms.

Order *dasti*.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

OCTOBER 31, 2018

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