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

+ **CRL.M.C. 422/2025**

M/S IA HOUSING SOLUTIONS PVT. LTDPetitioner

Through: Mr. Ashish Pandey, Mr. Shubham Saxena, Mr. Anmol Goyal, Mr. Akshit Chauhan, Mr. Pushkar Dwivedi and Mr. Gauransh Vyas, Advocates

versus

M/S RSL DEVELOPERS PVT. LTDRespondent

Through: Mr. Manan Soni, Advocate with SI Sunder Singh, PS Nangloi, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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23.01.2025

CRL.M.A. 2044/2025 (for exemption)

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

CRL.M.C. 422/2025

1. The present petition under Section 528 of the of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" hereinafter) has been filed on behalf of the petitioner seeking following reliefs:

*"a. Allow the present petition and issued direction for Judgement /expeditious disposal of matter bearing Ct Case No. 469995/2016 titled as M/s A Housing Pvt. Ltd. Versus M/s RSL Developers Pvt. Ltd. pending before the Court of Sh. Komal Ld. M.M., N.I. Act, South District, Saket Courts, New Delhi; and
b. Direct to Ld. Trial Court to not entertain any application filed by*



*Respondents/ Accused to delay the proceedings; and
c. Pass any other(s) as this Hon'ble Court deems fit in the interest of
justice.”*

2. Heard.
3. Issue notice.
4. Mr. Manan Soni, learned counsel for the respondent appearing on advance notice accepted notice.
5. Briefly stated, the petitioner i.e., IA Housing Solutions Private Limited, a private company, entered into a Memorandum of Understanding (hereinafter “MoU”) dated 14th October, 2011 with the respondent i.e., RSL Developers, wherein the respondent agreed to develop a residential project for the petitioner in Dehradun. As per the terms of the MoU, the petitioner paid an advance amount of Rs. 1,00,00,000/- for booking of flats vide Cheque no. 774477 dated 11th October, 2011 drawn on Canara Bank, Sheikh Sarai, New Delhi. Despite the advance payment, the respondent failed to proceed with the said development and therefore, the petitioner persuaded the respondent to refund the advance payment as per the terms of the MoU. Accordingly, four Post-Dated Cheques (hereinafter “PDCs”) were issued in favour of the petitioner, each bearing an amount of Rs. 25,00,000/-.
6. However, upon presentation of the same to the concerned Bank, the said PDCs were returned for insufficient funds. Aggrieved by the same, a legal notice dated 6th January, 2014 was sent to the respondents demanding the said amount and upon non-receipt of any amount to that effect, the petitioner filed a complaint dated 19th December, 2013 under Sections 138 read with Section 141 and 142 of the Negotiable



Instruments Act, 1881 (hereinafter “NI Act”).

7. However, the instant complaint case bearing no. 469995/2016 is pending before the learned Judicial Magistrate of First Class (NI Act)-08, Saket Court, New Delhi (hereinafter “JMFC”).

8. Aggrieved by the pendency of the instant case, the petitioner filed the instant petition.

9. Learned counsel for the petitioner submitted that the petitioner filed the aforesaid complaint was filed in the year 2013 and the said complaint case has been pending adjudication before the learned JMFC for more than 11 years, however, no final order/judgment has been passed as the matter has been adjourned several times at the request of the learned counsel for the respondents.

10. It is submitted that the on 24th September, 2024, the learned JMFC heard the arguments of both the parties and adjourned the matter to 15th October, 2024 for judgment/clarification, if any. On the said date, the written arguments on behalf of the respondent were filed and the matter was further adjourned to 19th November, 2024 for further final arguments. Thereafter, it is submitted that on 19th November, 2024, rebuttal arguments of the petitioner were filed and the matter was adjourned to 10th December, 2024 for final arguments. It is further submitted that on the said date, written arguments were filed on behalf of respondent and the matter was again adjourned to 17th December, 2024 for judgment/clarification, if any.

11. It is further submitted that on 17th December, 2024, the parties partly argued on the application under Section 94 of the BNSS was filed by the respondent and the matter was again adjourned to 28th January,



2025 for judgment/clarification, if any.

12. It is submitted that the aforesaid application has been filed by the respondents only to delay the proceedings before the learned JMFC. Further, it is submitted that the arguments in the instant matter has been already heard several times before the learned JMFC and therefore, prayed that the learned JMFC may be directed to decide the aforesaid complaint case pending before it, expeditiously, without giving any further adjournment.

13. *Per contra*, learned counsel for the respondents vehemently opposed the instant petition by submitting that the respondents have moved the application under Section 94 of the BNSS before the learned JMFC for filing certain documents which are necessary for adjudication of the instant complaint case pending before it and therefore, prayed that the instant petition may be dismissed as there is no reasonable ground for directing the learned JMFC for deciding the case.

14. Heard learned counsel for the parties and perused the record.

15. Upon perusal of the contents of the instant petition as well as the order-sheets placed on record, this Court finds that the aforesaid complaint case has been heard and adjourned several times. It is also an admitted fact that the said complaint case is pending adjudication before the learned JMFC since the year 2013.

16. In view of the aforesaid facts and circumstances, it is directed that the learned JMFC shall decide the Complaint Case bearing no. 469995/2016 pending before it, expeditiously, preferably within three months without giving unnecessary adjournment to either of the parties.



17. With the directions as aforesaid, the instant petition is disposed of.

CHANDRA DHARI SINGH, J

JANUARY 23, 2025

Rt/mk

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