BEFORE THE TAMIL NADU REAL ESTATE APPELATE TRIBUNAL (TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Island)

(Under the Real Estate Regulation and Development Act 2016)

Dated : 23.01.2020

Coram : Mr.Justice B.Rajendran, Chairperson
Mr.N.Balasubramanian, Judicial Member
Ms.Leena Nair, Administrative Member

Appeal No. 65 of 2019

M/s. SPR Construction Private Ltd.,
Rep. by its Managing Director ... Appellant

Vs

Mr.Pawan Kumar Gupta ... Respondent

This appeal was filed on 30.10.2019 and came up for final hearing on 23.1.2020 in the presence of Advocate Mr. Sathish Kumar.E for appellant and the respondent appeared in person and entered into a compromise and to that effect compromise memo dated 23.1.2020 was filed by both sides. By recording the memo this Tribunal passed the following order:

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ORDER

2. On 24.3.2019 the respondent/complainant booked an apartment with the appellant/respondent in their project namely SPR High Living, SPR City, Perambur, Chennai-600 012 and paid booking advance of Rs,3,00,000/- . Since the respondent/complainant could not raise fund and sale of his ancestral properly, the respondent/complainant was constrained to cancel the booking of the flat with the appellant/respondent. Hence on 20.4.2019, the respondent/ complainant requested for cancellation of booking and to refund the advance amount.

3. The appellant/respondent informed the respondent/complainant that they are forfeiting the booking advance and no amount is payable on cancellation. Hence the respondent/complainant is not entitled to get the refund of the booking advance amount and compensation.

4. On hearing the appellant's counsel on 21.11.2019 with regard to waiver petition No.74 of 2019, this tribunal ordered to deposit Rs.3,00,000/-. The appellant's counsel agreed to deposit the same and made endorsement to that effect and sought for time. Hence conditional order was passed by directing the appellant to deposit the amount Rs.3,00,000/- on or before 2.12.2019 failing which the appeal will be dismissed for non payment and the case was posted for 3.12.2019. On 28.11.2019 the conditional order was complied by the appellant, to that effect memo was filed. In the meantime the appellant's counsel represented that they are in the process of settlement with the respondent. Hence he seeks time. Therefore notice was ordered to respondent for 23.1.2020. On 23.1.2020 both sides were present. The appellant has complied with the conditional order of depositing of Rs.3,00,000/- at this stage both the parties in the open court have come to an understanding for compromise, as the

entire amount of Rs.3,00,000/- is deposited in the court. The other claims ordered by the Adjudicating Officer is waived by the respondent . The appellant has made an endorsement that the entire amount would be returned directly by the court by way of cheque. Endorsement made by both parties for agreeing for the compromise. To that effect compromise memo was also filed by both sides. Hence the agreement between the parties and the compromise memo are recorded.

5. in the result this appeal is dismissed as settled.

This order is dictated to the stenographer directly to the computer and typed by her and corrected and pronounced in the open court on the 23rd day of January 2020

Sd-/- xxx
CHAIRPERSON

Sd/- xxx
ADMINISTRATIVE MEMBER

Sd/- xxx
JUDICIAL MEMBER

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