BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL (TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

(Under the Real Estate Regulation And Development Act 2016)

DATED 21.12.2020

Coram : Mr.Justice B.Rajendran, Chairperson
Mr.N.Balasubramanian, Judicial Member

Appeal Nos. 12, 13, 15 to 24, 29 to 32 and 53 to 61 of 2020

Hazel Realty Pvt Ltd
(formerly VGN Praganya Realty Pvt Ltd)
... Appellants in A.Nos.12,13 to 24 and 29 to 32 and 53 to 61.

-Vs-

1. Mrs.N.Kamala
2. Mr.K. Venkatesulu Rao
... Respondents in Appeal No.12/2020

1. Mrs.P.S. Nandakumari
2. Mr. V.V. Nandhi Varman
... Respondents in Appeal No.13/2020

Mr.N. Paneerselvam ... Respondent in Appeal No.15/2020

Mr. J. Prabhakaran ... Respondent in Appeal No.16/2020

Mr. B. Mohan Ram ... Respondent in Appeal No.17/2020

Mr. Vijay Yagnamoorthy ... Respondent in Appeal No.18/2020

1. Mr B. Gunasekar
2. Mrs. G. Thamil Rani ... Respondents in Appeal No.19/2020

Mr. S.M. Karthik ... Respondent in Appeal No.20/2020

Mr. M. Manivannan ... Respondent in Appeal No.21/2020

1. Mrs. Karthiaiani Menon
2. Mrs. Praseeda Elangovan ... Respondents in Appeal No.22/2020

Mr. G.Saravanan ... Respondent in Appeal No.23/2020

Mrs.Ashvini Mayurapriyan ... Respondent in Appeal No.24/2020

Mrs. B. Latha ... Respondent in Appeal No.29/2020

Mr.Kalyankumar Sidram Hatti ... Respondent in Appeal No.30/2020

Mr. N. Balachander ... Respondent in Appeal No.31/2020

1. Mr. Mahendra Dharmik
2. Mrs. Namita Dharmik ... Respondents in Appeal No.32/2020

1.Mr.D.Rajesh
2.Mrs.Navitha ... Respondents in Appeal No.53/2020

1.Mrs.B.Uma Maheswari
2.Mr.N.Bharanidaran ... Respondents in Appeal No.54/2020

1.Mr.Balaji.G.S
2.Mrs.Gayathri.L ... Respondents in Appeal No.55/2020

1.Mr.John C.Pothen
2.Mrs.Smitha Sam ... Respondents in Appeal No.56/2020

1.Mr.Somasundaram Ganesan
2.Mrs.Shobana Ganesan ... Respondents in Appeal No.57/2020

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1.Mr.B.Sivadas
2.Mrs.K.S.Padmaja ... Respondents in Appeal No.58/2020

Mr.Saravana ... Respondent in Appeal No.59/2020

Mr.S.Syed Mohamed ... Respondent in Appeal No.60/2020

1.Mrs.Usha Sairam
2.Mr.Sairam Krishnamurthy ... Respondents in Appeal No.61/2020

These appeals were taken on file and came up for final hearing on 23.09.2020 in the presence of M/s.Krishna Ravindran, A.Charles Darwin, S.Praveen Kumar, Counsels for Appellant and M/s. K.R.Ramesh Kumar, N.K.Vanan, S.Pavithra, G.Muthulakshmi and J.Preethi, Counsels for Respondents. Having heard the arguments of appellant side through video conferencing and the case was posted to arguments of the respondent side on 09.12.2020, both sides sought for adjournment for settlement. On 21.12.2020 the appellant's counsel filed memo for withdrawal of the appeal. Considering the withdrawal memo this Tribunal delivered the following:

COMMON ORDER

2. The complainants in all the complaints are allottees. The respondent is the promoter in all the complaints. The allottees and the promoter entered into agreement for purchase of flats on 21.08.2016. The complainants even after paid the sale consideration there is an inordinate delay in completing and handing over

the completed flats to the complainants. Hence the complainants came forward with these complaints for compensation for the delay and for interest and costs. After contest the Adjudicating officer allowed the complaints in part. Aggrieved upon that the promoter has preferred these appeals.

3. The appellants' side arguments were heard in full in A.Nos. 12 to 24, 29 to 32 of 2020 on 23.09.2020 and the case was posted for respondent side arguments on 07.10.2020 and on that date the appellants' counsel represented that connected appeals A.Nos.53 to 61/2020 arose from the same order was pending and prayed to hear the same along with these appeals. Then after two adjournments the matter was settled between the parties out of court and the counsel for the appellants filed memo for the withdrawal of the appeals and the counsel for the respondents also have no objection to permit the appellants to withdraw the amount deposited by the appellants as pre-deposit under section 43(5) of the Act. A.No.14/2020 was not yet settled between the parties it is to be heard independently. Considering the withdrawal memo and no objection pleaded by the respondents side this Tribunal delivered the following order on 21.12.2020:

> ***The Appellant's Authorized signatory Mr. Senthil kumar and his counsel Mr.Krishna Ravindran are present in the video conferencing. Mr.K.R.Ramesh Kumar, Advocate for all the respondents in all these appeals where memo is filed for withdrawal of the appeal is present. He records his no objection in the video conferencing for withdrawal of the Appeal. He has also stated he has no objection for the deposit amount being refunded to the appellant. The appellant counsel has filed a memo in A.No.12,13,15 to 24, 29 to 32 and 53 to 61 of 2020 that the dispute has been settled out of court and he is withdrawing all these appeals. Hence recording the memo though specific mention is made that a liberty to re-approach, in the memo for withdrawal such an order cannot be passed suffice to say that the appellant is permitted to withdraw all these appeals without cost. Similarly the no objection of the respondent for returning the amount deposited by the appellant is also recorded.***

The appeal Nos.12,13,15 to 24, 29 to 32 and 53 to 61 of 2020 are all dismissed as withdrawn. No costs. The connected Miscellaneous Applications are closed.

This Order is directly dictated to the Stenographer, transcribed and typed in the computer by her, corrected and pronounced by us in the open court on 21st Day of December 2020.

Sd/-xxxx
CHAIRPERSON

Sd/-xxxx
JUDICIAL MEMBER

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