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 16-03-2020

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

Appeal No. 28 of 2020

1. MCB Developers
   Rep by its Proprietor Mr.M.C.Venkateswara Babu
2. MCB AAssetz
   Rep by its Partner Mr.Vinodh Venkateswara Babu Mukara

.... Appellants

..Vs..

1. Mr.Jatin M.Kikani
2. M/s.Aastha Homes
   Represented by Mr.Ramachandran.V and
   Mr.Thiagarajan.S, Partners

... Respondents

This appeal was taken on file on 31.01.2020 in the presence of M/s.B.Deepak Narayanan, S.Bargavi and S.Devan, Counsel for the appellants, Mr.S.Motilal, Counsel for 1st respondent, 2nd respondent not appeared.

2. The 1st respondent/complainant entered into agreement for the purchase of site and construction with the appellants and the 2nd respondent and paid entire money. Since the respondents failed to complete the construction as agreed, the 1st respondent preferred complaint before the Adjudicating Officer. After contest the Learned Adjudicating Officer directed the respondents either jointly or severally shall pay the complainant the compensation and litigation expenses. Aggrieved upon that the appellants alone preferred this appeal. After taking the appeal on file this Tribunal ordered the appellants to comply Section 43(5) of the RERA in M.A.No.54 of 2020 on 03.02.2020. On 27.02.2020 the appellants filed M.A.No.69 of 2020 for extension of time to comply Section 43(5) of RERA.

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That petition was allowed and directed to comply Section 43(5) and posted the case for compliance on 16.03.2020.

3. On 16.03.2020 when the case was called the counsel for the appellants represented that Section 43(5) is not at all complied. Hence this Tribunal passed the following:

ORDER

4. The appellant was directed to deposit 30% of the amount as ordered by the court below even as early as on 03.02.2020. They did not comply with the order. They filed an application in MA.No.69 of 2020 seeking for extension of time. Extension also was granted to comply with the earlier order on or before 13.03.2020. Even then, within that time, they have not deposited the amount. The matter was posted today for compliance of order. The Learned Advocate for the appellant represents that they have not paid the amount as directed by this Tribunal on or before 13.03.2020.

5. Till date they have not even filed an application also, either for extension or to condone the delay. In that view of the matter, as the mandatory order for deposit of the amount as per Section 43(5) of the RERA Act has not been complied with, the appeal itself cannot be heard.

6. In view of the non compliance of the mandatory order under Section 43(5), the appeal is rejected. No costs. The Advocate for 1st respondent is present.

This order is dictated to the Stenographer and typed in the computer by her, corrected and pronounced by us in the open court on 16.03.2020.

Sd/-XXXX
CHAIRPERSON

Sd/-XXXX
ADMINISTRATIVE MEMBER

Sd/-XXXX
JUDICIAL MEMBER

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