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 20-02-2020

Coram : Mr.N.Balasubramanian, Judicial Member
Ms.Leena Nair, Administrative Member

Appeal No. 34 of 2020

M/s.Phoenix Serene Spaces Pvt. Ltd.,
Rep. by Authorized Signatory
Mr.Kondepu Rajasekhar
Plot No.1335, Road No.45,
Jubilee Hills
Hyderabad – 500 033. ... Appellant

Vs

Tamil Nadu Real Estate Regulatory Authority (TNRERA)
Rep. by its Chairman,
1st Floor, No.1-A, Gandhi Irwin Bridge
Egmore,
Chennai – 600 008. ... Respondent

This appeal came for hearing in the waiver petition in M.A.No.66 of 2020 on 12.02.2020 in the presence of Advocate M/s.T.Sai Krishnan, Mr. L. Poovendra Perumal, Mr.K.Kumara Guru and S.Janani, for the appellant. Since the respondent is a Regulatory Authority and the order of the Authority is

Administrative order in nature as per the RERA Act no notice was issued to the respondent.

2. The appellant's counsel represents that the appellant is ready to pay the penalty amount of Rs.25,000/- within a week. Hence appellant was directed to pay the penalty on or before 19.02.2020 and post the case on 20.02.2020 for compliance. On 20.02.2020 the appellant's counsel filed an affidavit for the payment of penalty amount of Rs.25,000/- through a demand draft and sought for withdrawal of the appeal.

3. The appellant registered his project in Registration No. TN/01/ Building/0163/2017 dated 02/11/2017. As per section 11 r/w rule 17 of the Tamil Nadu Real Estate (Regulation and development Act 2016 and rules 2017 prescribed submission of quarterly reports on the progress of developments of registered project. The appellant has not furnished the progress report as of 30.09.2019. Hence the Regulatory Authority directed through email to submit the quarterly progress report by personal hearing. For which the appellant neither appeared nor submitted the progress report. Hence the Authority found that the contravention of the direction and non-compliance of the Act is a clear violation and impose a penalty of Rs.25,000/- and directed to remit the same within 30 days. Aggrieved upon that the appellant preferred this appeal.

4. The appellant preferred this appeal along with waiver petition and on the first hearing the appellant sought adjournment and in the second hearing the appellant counsel represented that the appellant is ready to pay the entire penalty amount of Rs.25,000/- within a week. Hence this Tribunal

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directed the appellant to pay the penalty on or before 19.02.2020 and call on 20.02.2020. On 20.02.2020 the appellant's counsel complied the order of this Tribunal by paying the penalty amount of Rs.25,000/- by way of demand draft and to that effect the advocate for the appellant has filed an affidavit and also endorsed to withdraw the appeal.

5. In view of the endorsement, the appellant is permitted to withdraw the appeal and the appeal is dismissed as withdrawn. No costs. Consequentially the Miscellaneous petition is closed.

This Order is dictated to the Stenographer directly to the computer and typed in the computer by her, corrected and pronounced by us in the open court on 20-02-2020.

Sd/- xxx
JUDICIAL MEMBER

Sd/- xxx
ADMINISTRATIVE MEMBER

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