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 02-03-2020

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

Appeal No. 43 of 2020

M/s.Phoenix Serene Spaces Pvt. Ltd.,
Rep. by Authorized Signatory ... Appellant / Petitioner

Vs

1. Karthisanker.K.M.
2. Nirmala.G ... Respondents/Respondents

This appeal came up for hearing regarding maintainability on 02.03.2020 in the presence of Advocates M/s.T.Sai Krishnan, L.Poovendra Perumal, K.Kumaraguru, for the appellants. No notice was served to respondents since maintainability of the Appeal was questioned by the registry.

2. The respondents herein filed a complaint before the Adjudicating Officer in CCP No.95 of 2018. In the said complaint even though notice

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was served to the Appellant, failed to appear hence the appellant was set exparte and order was passed on merits. The Appellant herein filed a petition to set aside the exparte order and without numbering that petition in the SR stage itself maintainability of that petition was decided as not maintainable. Aggrieved upon that, the appellant preferred this appeal.

3. In this Appeal also the same maintainability question was raised by the Registry and an opportunity was given to the appellant to explain the same on 02.03.2020. On that day the Learned counsel for the appellant putforth his elaborate arguments and also sought permission to withdraw the appeal to seek remedy to appeal against the original order of the Adjudicating Officer dated 24.06.2019. To that effect the appellant's counsel has also made an endorsement.

4. In the result, the appellant is permitted to withdraw the appeal with liberty to file appeal only with an application to condone the delay. No costs.

This Order is dictated to the Stenographer and typed in the computer by her, corrected and pronounced by us in the open court on 02-03-2020.

Sd/- XXX
CHAIRPERSON

Sd/- XXX
JUDICIAL MEMBER

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