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 06-01-2021

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

Appeal No. 62 of 2020

M/s.Phoenix Serene Spaces Private Limited,
Formerly known as M/s. Phoenix Hodu developers Pvt. Ltd.
Rep. by its Authorized Signatory
Mr.Kondepu Rajasekhar ... Appellant

Vs

1.Mr.Karthisanker K.M
S/o.Mr.Mohanasundaram.S.N.
2.Mrs.Nirmala G
W/o.Mr.Mohanasundaram.S.N. ... Respondents

This appeal has been preferred against the order of the Adjudicating Officer in C.C.P.No.095 of 2019 dated 24.06.2019 and was taken on file on 30.09.2020 and came up for final hearing of the waiver application on

04.11.2020 in the presence of M/s. T.Sai Krishnan, L.Poovendra Perumal, K.Kumara Guru, Counsels for appellants and M/s.Chennai Law Associates, M.L.Joseph, K.Subhashini, Amar K Panwar, R.S.Shakthivel, Nandini Murali and Aravind, Counsel for the respondents, on that date both sides sought for adjournment for settlement. On 06.01.2021 both the counsels appeared through video conferencing and represented that matter has been settled out of court and to that effect both side counsels have sent email. To that effect the appellant counsel made endorsement in the appeal memorandum itself. On that basis this Tribunal delivered the following:

ORDER

1. The respondent/purchaser booked a flat with the appellant/promoter for a sum of Rs.51,87,969/-. Out of which a sum of Rs.48,94,038/- paid by the respondent/purchaser. The promoter failed to deliver the flat within the stipulated time hence, the purchaser preferred a complaint before the Adjudicating Officer for the refund of advance amount along with interest and compensation and for litigation costs. After contest the complaint was allowed and the promoter was directed to refund the advance amount along with interest at the rate of 8.70 + 2% per annum, compensation at the rate of 9% on Rs.48,94,038/- and litigation expenses Rs.20,000/- was ordered. Aggrieved upon that the promoter preferred this appeal.

2. The appellant/promoter preferred this appeal along with waiver application. During the course of hearing for the waiver application both sides were seeking to settle the matter out of court. On 06.01.2021 both

the counsels reported that the matter has been settled out of court and the appellant counsel sought for withdrawal of this appeal. The respondent counsel has no objection for the withdrawal. To that effect both the counsels sent emails and the same were recorded. The counsel for the appellant has also made endorsement in the memorandum of appeal for the withdrawal of the appeal.

3. This Tribunal permitted the appellant to withdraw the appeal and passed an order to that effect:

> ***"The appellant counsel has sent an email during the course of the hearing itself seeking to withdraw the appeal as the matter has been settled out of court. The email is recorded. The respondent counsel has no objection. The appeal is dismissed as withdrawn. No costs. The connected Miscellaneous Applications are closed."***

This Order is dictated directly to the Stenographer and typed in the computer by her, corrected and pronounced by us in the open court on the 6th Day of January 2021.

Sd/-xxxx
CHAIRPERSON

Sd/-xxxx
ADMINISTRATIVE MEMBER

Sd/-xxxx
JUDICIAL MEMBER

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