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 13.09.2021

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

Appeal No. 76 of 2020

1. Devendra Bhatia
2. Anjula Bhatia ... Appellants

-Vs-

1. K. Balasubramaniyan
2. G.K.S. Technology Park Pvt. Ltd.
   Represented by its Managing Director
3. Tulive Viha Apartments Owners Association
   Represented by its President
4. M.Suresh Kumar
5. S.Ganesa Subramanian ... Respondents

This Appeal was preferred against the order of Regulatory Authority in C.No.001/2020 dated 30.09.2020. This Appeal was taken on file on 02.12.2020 and came up for arguments on 13.09.2021 in the presence of M/s.K. Suresh

Babu, P.Mahalakshmi & Kadambri Suresh, Advocates for appellant, R1 appeared through Advocates M/s.K.Rajasekaran, K.Mohan, S.Patrick, K.Shankar Vignesh, T.G.Madhuvaneswaran, R2 called absent, R3 appeared through Advocates M/s. R.Jayaprakash, R.S.Maithreya, B.Kavya & G.Kannuchamy, R4 & R5 appeared in person. During the course of arguments through video conferencing the learned counsel for the appellant sought permission to withdraw the appeal and sent an email to that effect. Considering the request of the appellant's side this Tribunal delivered the following:

ORDER

1. The allottee/complainant preferred a complaint against the promoters and others for the relief of directing the promoter/1st respondent to register the project with RERA, directing the promoter to transfer corpus fund along with interest to the association and to declare that the promoter/1st respondent has no right to sell common area. The promoter/1st respondent raised a plea of maintainability of complaint. The 2nd respondent is the owners' association. The respondents 3 to 6 are allottees. The respondents 3 and 4 took the plea that after forming of association namely the 2nd respondent individual allottee has no locus standi to file individual complaint. The respondents 5 and 6 have not raised any plea regarding any maintainability and prayed for allowing the complaint. After contest the Authority holds that the complaint is maintainable. Aggrieved upon the same now the above respondents 3 and 4, who are also allottees, preferred this appeal.

2. During the course of arguments the learned counsel for the appellants would submit that since the authority passed final orders in the above complaint the appellants sought for withdrawal of the appeal and to that effect the counsel

has sent an email. Considering the request and the email this Tribunal passed the following order:

> ***'The learned counsel for the appellant states that as the final order itself has been passed by the authority, against which they already preferred A.No.86/2021 and they are withdrawing the appeal No.76/2020. The statement of the learned counsel is recorded. The learned counsel also has sent an email to the effect of withdrawing the appeal through video conferencing.***
>
> ***Hence A.No.76/2020 is dismissed as withdrawn.***
>
> Connected Miscellaneous Application is closed.

This Order is directly dictated to the Stenographer and typed in the computer by her, corrected and pronounced by us in the open court on 13th Day of September 2021.

Sd/-xxxx
CHAIRPERSON

Sd/-xxxx
ADMN. MEMBER

Sd/-xxxx
JUDL. MEMBER

Verified RedEstate