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 17.11.2021

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

Appeal No. 105 of 2021

M/s.VGN Property Developers Pvt. Ltd.
Represented by its MD.
Pratish Vedhapuddi ... Appellant

-Vs-

1. Suchita Eknath Fulari
2. Eknath Ramkisan Fulari ... Respondents

This Appeal was preferred against the order of Adjudicating Officer in C.C.P.No.49 of 2020 dated 15.07.2021. This Appeal was taken on file on 08.10.2021 and came up for hearing for compliance in M.A.No.146 of 2021 under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 and ordered to pre-deposit of 40% of the total amount ordered by the court

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below. For compliance of pre-deposit order the matter came up in the presence of appellant's counsel M/s.K.Harishankar, Srinath Sridevan, T.K.Bhaskar, Mithreyi KasthuriRangan, R.Radeesh Manikandan and B.Gopinath. The case was posted on 17.11.2021 for reporting compliance through video conferencing. Considering the non compliance of the pre-deposit order this Tribunal delivered the following:

ORDER

1. The respondent in this appeal has preferred complaint before the Adjudicating Officer in C.C.P.No.49 of 2020 for the relief of compensation of delay with interest, compensation of mental agony and litigation costs. After contest the Adjudicating Officer allowed the complaint in part and directed the appellant/promoter to pay delay compensation by way of interest 9.85% along with compensation of Rs.1,00,000/- towards mental agony and litigation cost Rs.25,000/. Aggrieved upon the same the appellant/promoter herein has preferred this appeal along with waiver application. In the waiver application this Tribunal ordered 40% of the total amount ordered by the court below. Since the appellant failed to comply the order this Tribunal delivered the following order:

> ***"The direction to comply with Section 43(5) has not been complied. The last date is over already. No extension application also filed seeking for payment. The application is dismissed.***

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Hence the appeal is dismissed for non compliance of direction under Section 43(5) which is mandatory".

Connected Miscellaneous applications are 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 17th Day of November 2021.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDL. MEMBER

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