**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 30.03.2022**

**Coram : Mr.Justice B.Rajendran, Chairperson**
**Mr.R.Padmanabhan, Judicial Member**
**Ms.Leena Nair, Administrative Member**

**Appeal No. 114 of 2021**

M/s. Manju Foundations Pvt. Ltd.,
Rep. by its Managing Director,
K.M.Vidhyasagar ... Appellant

-Vs-

V.Alavandhar ... Respondent

This Appeal was preferred against the order of Adjudicating Officer in C.C.P.No.78 of 2020 dated 31.12.2020. This Appeal was taken on file on 3.11.2021 and came up for hearing on 30.3.2022 in the presence of appellant's counsels M/s. Sarvabhauman Associates, R.Krishna Prasad and H.Shabeer Ali in M.A.No.157/2021 under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 and ordered to pre-deposit of entire amount (100%)



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ordered by the court below on or before 18.1.2022 but the appellant against that order preferred C.M.S.A.No.8/2022 before Hon'ble High Court and the Hon'ble High Court dismissed the appeal and extended four weeks time to comply from 24.2.2022. As per the order of the Hon'ble High Court this Tribunal directed the appellant to comply the order and for reporting compliance the case was posted to 30.3.2022. On 30.3.2022 on the side of the appellant by way of memo informed to this Tribunal about their inability to comply the order. But this Tribunal has not accepted the memo and this Tribunal delivered the following:

## ORDER

The home buyer came forward with the complaint for the relief of refund of the amounts paid to the promoter towards purchase and construction of flat with interest, compensation and costs. After contest the learned Adjudicating Officer allowed the complaint in part and directed the promoter to refund a sum of Rs.8,50,000/- with interest at the rate of 10.05% per annum and also awarded compensation of Rs.50,000/- towards mental agony and litigation cost of Rs.25,000/-. Aggrieved upon the same the promoter preferred this appeal along with waiver application. In the waiver application this Tribunal ordered 100% of the total amount ordered by the court below. Since the appellant failed to comply the order this Tribunal passed the following order:

***"In view of the order passed in M.A.No.157/2021 for non compliance of the payment of the statutory amount and due to non***

***compliance of the order of the Hon'ble High Court in C.M.S.A.No.8 of 2022 the appeal is dismissed.***

***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 30th Day of March 2022.

**Sd/- xxxx**
**CHAIRPERSON**

**Sd/- xxxx**
**ADMN. MEMBER**

**Sd/- xxxx**
**JUDL. MEMBER**

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