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 02.03.2022

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

Miscellaneous Application No.158 of 2021
in
Appeal No. 115 of 2021

1. Somasundaram Gopalakrishnan,
   filed through his Power Holder Sivakami Shunmugam,

2. Meenakshi Shunmugam,
   filed through her Power Holder,
   Sivakami Shunmugan ... Applicants/Appellants

-Vs-

M/s. Ozone Projects Private Limited.,
Rep. by its MD.
Vasudevan Sathyamurthy .... Respondent/Respondent

This Miscellaneous Application was taken on file on 10.11.2021 and came up for final hearing on 25.02.2022 in the presence of counsels for the applicants/appellants M/s.C.Suraj and A.Ashwinkumar and counsels for the respondent/respondent M/s.BFS Legal, P.V.Balasubramaniam, D.Ferdinand,

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K.M.Aasim Shehzad, Akhil R Bhansali and M.Meera. Having heard the arguments of both sides through video conferencing and having stood over for consideration till this date and this Tribunal delivered the following:

ORDER

1. The home buyer filed this Miscellaneous application for reception of additional document as Ex.A12 and in support of this application the home buyers filed an affidavit and stated that the TNRERA has missed sight of the relief sought for in paragraph No.5(iv) of the complaint. Therefore for the sake of better clarity this additional document is filed.

2. The learned counsel for the applicant would submit that the document relied by the appellant is necessary to decide the issue hence it has to be received as additional evidence.

3. The learned counsel for the respondent would submit that the document relied by the appellant is not necessary to decide the issue and the promoter has stated about the same in their counter. Therefore the application has to be dismissed.

4. Perused both side contentions. On perusal, in the Tripartite agreement at page No.53 of the typed set of the appellant it has been narrated about the pre EMI interest payments by the promoter. In addition to the above the promoter has admitted the same in his letter dated 10.4.2015 which is annexed in page

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No.56 of the typed set of the appellant. Above all the promoter has clearly and categorically admitted about the pre EMI reimbursement in paragraph Nos.3 and 21 of the counter affidavit filed by the promoter itself. Furthermore, admitted facts need not be elicited. Therefore this Tribunal comes to a conclusion that the document relied by the home buyers are not necessary since admitted facts need not be proved.

5. In the result, MA.No.158 of 2021 is dismissed. No costs.

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 2nd Day of March 2022.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
ADMN. MEMBER

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