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 22.10.2021

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

Appeal Nos. 74 and 75 of 2021

A.No.74 of 2021

M/s.VGN Developers Pvt. Ltd.,
Represented by its Director
Devadoss Padma
Now represented by A.Rangappan ... Appellant

-Vs-

Saranya Upendran ... Respondent

A.No.75 of 2021

M/s.VGN Developers Pvt. Ltd.,
Represented by its Director
Devadoss Padma
Now represented by A.Rangappan ... Appellant

-Vs-

1. Rangarajan
2. Rekha Rangarajan ... Respondents

Verified Realstate ™

These Appeals were preferred against the common order of Adjudicating Officer in C.C.P.Nos.267 and 268 of 2019 dated 12.02.2021. These Appeals were taken on file on 05.07.2021 and came up for hearing for compliance in M.A.Nos.83 and 85 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 below. For compliance of pre-deposit order both the matter came up in the presence of appellant's counsel M/s.K.Harishankar, Srinath Sridevan, T.K.Bhaskar, R.Radeesh Manikandan and B.Gopinath. The case was posted on 22.10.2021 for reporting compliance. Considering the non compliance of the pre-deposit order this Tribunal delivered the following:

COMMON ORDER

1. The respondents in both the appeals have preferred complaint before the Adjudicating Officer in C.C.P.No.267 and 268 of 2019 for the relief of refund of sale consideration with interest and for compensation. After contest the Adjudicating Officer allowed the complaints in part and directed the appellant/promoter to refund the sale consideration respectively with interest @ 10.05 % per annum in each case. Also awarded compensation of Rs.5,00,000/- and Rs.7,00,000/- respectively with litigation expenses Rs.30,000/- each case. Aggrieved upon the same the appellant herein have preferred these appeals 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:

Today when the matter is posted, none appeared in the video conferencing. No representation. This is an application for waiver to deposit under Section 43(5). In the last hearing we have passed the following order.

> ***"In the video conferencing the appellant counsel stated that due to pandemic situation they are unable to pay and seek for extension of time. To this extent he has sent an email seeking for further extension of time. As a last chance time is extended for payment till 21.10.2021 failing which the application will be automatically dismissed. For compliance call on 22.10.2021."***

As per the earlier order, if the money is not paid on or before 21.10.2021 the application shall stands automatically dismissed. Office has verified and given a report till yesterday no money has been deposited. No application has been filed for extension of time. No representation and as per the earlier order, the application stands dismissed automatically yesterday itself. In view of the same M.A.Nos.83 and 85 of 2021 in A.Nos.74 and 75 of 2021 are dismissed for non compliance.

Consequently, A.Nos.74 and 75 of 2021 are dismissed for non compliance. As the order under Section 43(5) is not complied the appeal could not be entertained which is mandatory under the Act.

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 22nd Day of October 2021.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
ADMN. MEMBER

Sd/- xxxx
JUDL. MEMBER

Verified @ Ecitestute