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 08.09.2021

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

Appeal No. 88 of 2021

M/s.Emami Realty Ltd.,
Rep. by its Vice President
Pradeep Chotaria ... Appellant

-Vs-

Tejomaya Owners Association,
Rep. by its President, Baskaran Manikam ... Respondent

This Appeal was preferred against the order of Regulatory Authority in C.No.166/2021 dated 28.07.2021. This Appeal was taken on file on 18.08.2021 and came up for hearing on 08.09.2021 in the presence of M/s.Rank Associates, Counsel for the appellant. During the course of arguments through video conferencing the learned counsel for the appellant sought permission to withdraw

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the appeal and to that effect memo filed. Considering the arguments of the appellant's side this Tribunal delivered the following:

ORDER

1. The allottee preferred a complaint for 28 reliefs against the promoter. In addition to that the allottee sought for the interim order to restrain the respondent/promoter from making any adjustment of their claim for increased common area maintenance charges from GST input tax credit and/or corpus fund till final orders are passed by the authority in view of the fact that the respondent/promoter has not handed over the maintenance of common areas to the association of allottees so far which should have been done as per the provisions of the Act.

2. After contest the Regulatory Authority by its order dated 28.07.2021 restrained the respondent/promoter from making any adjustment of their claim for increased common area maintenance charges from GST input tax credit and/or corpus fund till final orders are passed by the authority. Aggrieved upon the same the respondent/promoter preferred this appeal.

3. This appeal was posted for the 1st hearing on 01.09.2021 the learned senior counsel for the appellant seeks time to get instructions from the client for withdrawal, hence the case was posted to 08.09.2021. On that date, after hearing the counsel for the appellant this Tribunal passing the following order:

> ***"After some elaborate arguments the Learned counsel for the appellant sought permission to withdraw and he also filed a memo seeking permission to withdraw but he also seeks liberty only to produce certain documents which he is always at liberty to produce relevant documents before the Authority.***

The appellant is permitted to withdraw the appeal. The appeal is dismissed as withdrawn with liberty to produce relevant documents before the Authority."

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 08th Day of September 2021.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDL. MEMBER

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