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 02.11.2021

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

Appeal Nos. 9 and 10 of 2021

A.No.9 of 2021

M/s.Akshaya Pvt. Ltd.,
Rep. by MD Mr.Chitty Babu ... Appellant

-Vs-

K. Deepa
Rep. by POA Mr.M.Kumar .... Respondent

A.No.10 of 2021

M/s.Akshaya Pvt. Ltd.,
Rep. by MD Mr.Chitty Babu ... Appellant

-Vs-

K. Deepa
Rep. by POA Mr.M.Kumar .... Respondent

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These appeals were taken on file on 03.02.2021 and negotiation was going on for settlement and finally came up on 02.11.2021 in the presence of M/s.Mani Sundargopal and Shree Aadya.S, Counsels for the appellant and M/s.R.Ramya, Suresh Sampath, A.Maheswari and B.Arvind Srevatsa, Counsels for the respondent. Both parties filed common application for compromise under Order 23 Rule 3 CPC in M.A.Nos.152 and 153 of 2021 and after verifying the contents of the compromise application through video conferencing this Tribunal delivered the following:

COMMON ORDER

1. The respondent has preferred a compliant in C.C.P.No.59 of 2019 for refund with interest, compensation for mental agony and litigation costs before the Adjudicating Officer. After contest the Adjudicating Officer allowed the complaint in part on 17.09.2019 and directed the promoter to refund a sum of Rs.28,33,440/- along with interest at the rate of 10.15% per annum and awarded compensation at the rate of 9% per annum on Rs.28,33,440/- towards mental agony and litigation cost Rs.25,000/- were awarded. Aggrieved upon the same the promoter preferred the appeal in A.No.10 of 2021.

2. In the mean time the respondent preferred execution petition 107 of 2019 against the promoter for the relief of issue recovery warrant under Section

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40 clause 1 of the Real Estate (Regulation and Development) Act, 2016. After contest the Adjudicating Officer allowed the complaint by issuing recovery warrant on 10.03.2020. Aggrieved upon the same the promoter preferred this appeal A.No.9/2021.

3. From the 1st day of the hearing of the appeal both the advocates represented that negotiation was going on for settlement. Finally the matter has been settled and filed common affidavit and application in M.A.Nos.152 and 153 of 2021 on 1.11.2021 by the appellant under Order 23 Rule 3 CPC and also filed joint memorandum for compromise. On verifying the parties concerned and the advocates on record through video conferencing and acceptance of the both parties the terms of compromise entered between them through physical copy of joint memorandum for compromise and this Tribunal passed the following order:

> ***"Both appeals appellant counsel and the respondent counsel present. Appellant's representative present. Both the parties have stated that they have settled the matter. They have filed joint memorandum acknowledging the settlement. The appellant has filed common application in M.A.Nos.152 & 153 of 2021 for recording the compromise. The respondent counsel has separately sent an email stating they have no objection to allow the application to record the compromise. Email also recorded. As the full amount claimed by the purchasers has been paid, the appeals are ordered in accordance with the joint memorandum of compromise recording their statement. Both the compromise applications are allowed. No costs.***

In view of the compromise applications M.A.Nos.152 and 153 of 2021 are allowed consequently both the appeals A.Nos.9 and 10 of 2021 are ordered in terms of the compromise memo."

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 02nd Day of November 2021.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
ADMN. MEMBER

Sd/- xxxx
JUDL. MEMBER

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