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 28.03.2022

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

R.P.No.2/2022

in

A.No.89/2021

Villefranche Home Owners Association
Represented by its Secretary ... Review Petitioner/Respondent

-Vs-

M/s.Harmony Avakash Homes Pvt. Ltd.,
Represented by its Director S.Shanker ...Respondent/Appellant

This Review Petition has been preferred by the review petitioner/appellant to review the order passed by this Tribunal on 14.2.2022 in A.No.89 of 2021. This Review Petition was taken on file on 24.03.2022 and

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came up for final hearing on 28.3.2022 in the presence of the counsels for the review petitioner, M/s.Rank Associates and counsels for the Respondent, M/s.R.Sivaraman, P.Ramesh Kumar, Hasmukh.S.Surana, Raghav Rajeev Menon and Mudit Bohara.A. Having heard the arguments of both sides through video conferencing this Tribunal delivered the following:

ORDER

The review petitioner preferred an appeal A.No.89/2021 against the order of the Regulatory Authority in C.No.78/2020 dated 10.6.2021. After contest this Tribunal delivered the order on 14.2.2022. The review petitioner came forward with this review petition for the relief of rectifying the error namely the word 'usage fees' instead of the word 'maintenance charges' which is an apparent error on the face of the record. After hearing both sides this Tribunal passed the following order:

> ***"Heard both parties. The learned senior counsel Mr.Kuberan only pointed out that in paragraph No.16 (b) of the order in the last sentence the use of the word "Usage fees" may give a different meaning whereas both parties have carefully insisted and agreed and even in the clarification affidavit it has been accepted only as the maintenance charges. Therefore it is a mere technical error on the face of the record. Therefore the word "usage fees" in the paragraph 16 needs to be rectified and incorporated as "maintenance charges.***
>
> ***The learned counsel for the respondent has no serious objection but only would point out that as owner he is entitled to maintain the club house and to collect the charges.***
>
> ***In that view of the matter to rectify the error in the face of record this Tribunal feels it is necessary that the review application has got to be allowed only for the limited aspect in changing the word in paragraph No.16(b) of the order before the words "for the amenities like the club***

house" and after the word "necessary" change to be made as

"maintenance charges instead of usage fees"

It is also made clear that there is no other changes in the order as pronounced on 14.2.2022. The office is directed to give new order copy with the amendment in the original order and also to be changed in the website.

R.P.No.2/2022 is allowed. Consequently the order is amended."

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 28th Day of March 2022.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
ADMN. MEMBER

Sd/- xxxx
JUDL. MEMBER

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