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

A.No. 3/2022

1. M/s. G.K.S. Technology Park Limited,
   Rep. by its Managing Director,
   K.V. Ramana Shetty

2. Suresh Vaidyanathan,
   The Chief Executive officer,
   G.K.S. Technology Park Limited, ... Appellants

-Vs-

T.Aananthi ... Respondent

This Appeal has been preferred against the order of Adjudicating Officer in C.C.P.No.212/2019 dated 30.11.2021. This Appeal was taken on file on 27.01.2022 and came up for hearing for compliance in M.A.No.21 of 2022 under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 and ordered to pre-deposit of 100% of the total amount ordered by the court below.

Verified RedEstate™

For compliance of pre-deposit order the matter came up in the presence of appellants' counsel M/s. S. Ramesh, R.Venkatraman, S.Malar Mannan and P. Nagarajan. The case was posted on 2.3.2022 for reporting compliance. Considering the non compliance of the pre-deposit order this Tribunal delivered the following:

ORDER

1. The respondent/home buyer in this appeal has preferred complaint before the Adjudicating Officer in C.C.P.No.212 of 2019 for the relief of compensation for delay, mental agony, refund of excess payment, compensation for the rectification of defects, maintenance charges and for litigation costs. After contest the Adjudicating Officer allowed the complaint in part and directed the appellants/promoters to pay delay compensation with interest and compensation of Rs.5,00,000 towards mental agony Rs.50,000/- towards compensation for rectification of defects, maintenance charges Rs.22,867/- and litigation costs Rs.25,000/-. Aggrieved upon the same the appellants/promoters herein have preferred this appeal along with waiver application. In the waiver application this Tribunal ordered 100% of the total amount ordered by the court below. Since the appellants failed to comply the order this Tribunal delivered the following order:

> ***"Appellants or the appellants' counsel are not present. In fact the Tribunal waited for 5 minutes giving some time, no representation. Office report says that the order passed under Section 43(5) in M.A.No.21/2022***

Verified by RealEstate

dated 9.2.2022 has not been complied with. The last date for payment was on or before 1.3.2022. Today it is posted for compliance but the order has not been complied with. On verification neither application filed seeking for extension of time nor any email sent requesting for time.

Since order under Section 43(5) has not been complied as per the order dated 9.2.2022, the application in M.A.No.21/2022 is dismissed as it is mandatory to entertain the appeal.

The respondent party-in-person present who is also the appellant in A.No.4/2022 which is also posted today along with A.No.3/2022. In fact in A.No.4/2022, the same appellant counsel in A.No.3/2022 has filed vakalat for respondents."

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 the 2nd Day of March 2022.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
ADMN. MEMBER

Verified RealEstate TM