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 18-11-2022

Coram : Hon'ble Mr.Justice M.Duraiswamy, Chairperson
Ms.Leena Nair, Administrative Member
Mr.R.Padmanabhan, Judicial Member

Unnumbered Appeal S.R. No.427/2022

1. M/s. Oragadam City
   Developers Private Limited,
   Rep. by its Director,
   Rajamannar Ramasamy
2. M/s. New Town Housing,
   Rep. by its Partner,
   Rajamannar Ramasamy
3. M/s. Value Build Homes,
   Rep. by its Partner,
   Rajamannar Ramasamy
4. M/s. Vilagam Housing,
   Rep. by its Partner,
   Rajamannar Ramasamy
5. M/s. Frontier Housing Private Limited
   Rep. by its Director,
   Rajamannar Ramasamy

... Appellants

- Vs –

1. Balaji Ramachandran
2. Popjee Minnie Balaji

... Respondents

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This appeal is filed U/s 44(1) of the Real Estate (Regulation and Development) Act 2016 as against the Order passed by Adjudicating Officer, Tamil Nadu Real Estate Regulatory Authority in C.C.P.No.52/2020 dated 19.11.2021.

This appeal came up today for compliance to deposit the amount as per Section 43(5) of the Act, in the presence M/s.A.V.Arumugam and M.Prakash, Counsels for appellants. This Tribunal delivered the following:

ORDER

When the matter is taken up for hearing Mr.A.V.Arumugam, the learned counsel appearing for the appellants submitted that the appellants are not in a position to pay the pre-deposit amount as contemplated under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

In view of the ratio laid down by the Hon'ble Supreme Court in **"Newtech Promoters and Developers Private Limited Vs. State of Uttar Pradesh & Ors"** reported in **2021 SCC online SC 1044,** this Tribunal cannot entertain an appeal without paying the pre-deposit amount as contemplated under Section 43(5) of the Act.

In these circumstances, the appeal filed by the appellants without paying the pre deposit amount is not maintainable. Accordingly, the same is rejected. Connected Miscellaneous applications pending if any, are hereby closed.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
ADMNINISTRATIVE MEMBER

Sd/- xxxx
JUDICIAL MEMBER

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