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 21-11-2022

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

Un-numbered Appeal (SR).No.625/2022

Against

C.C.P.No.116 of 2021

M/s. SSM Builders & Promoters,
Represented by its Managing Partner K. Santhanam
... Appellant

- Vs -

N.Prema ... Respondent

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.116/2021 dated 27.07.2022.

This appeal came up today for compliance to deposit the amount as per Section 43(5) of the Act, in the presence M/s. Harishankar Mani, Salai Varun, Vikram Veerasamy and C. Kaveen, Counsels for appellants. This Tribunal delivered the following:

Verified RealEstate

ORDER

The Registry has raised a query as to the maintainability of the appellant for the reason that the appellant failed to make pre deposit as contemplated under Section 43(5) of the Act. As per "Newtech Promoters and Developers Pvt. Ltd." judgment, the Hon'ble Supreme Court has categorically stated that an appeal filed as against the order passed by the RERA requires pre deposit. In the case on hand, the appellant has filed the appeal without making the pre deposit. Section 43(5) specifically states that for entertaining an appeal by this Tribunal, it requires pre deposit as contemplated therein. As per the judgment of the Hon'ble Supreme Court this Tribunal has no jurisdiction to waive or exempt the appellant from making pre deposit. In such a view of the matter, the above appeal filed by the appellant without making pre deposit 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

Verified PropEstate™