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

Appeal No. 07 of 2022

M/s. K.G. Foundations (P) Ltd.
Rep. by its Authorized Signatory / Assistant Manager
Mahendra Chug ... Appellant

-Vs-

1. V. Gnanasambandam
2. G.Danya ... Respondents

This Appeal was preferred against the order of Adjudicating Officer in C.C.P.No.215 of 2019 dated 23.9.2021. This Appeal was taken on file on 2.2.2022 and came up for hearing on 28.3.2022 in the presence of appellant's counsels M/s.Ojas Law Firm, K.P. Sanjeev Kumar, K.P Sathish Kumar, P. Shiva and Sidharht.U in M.A.No.25/2022 under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 and ordered to pre-deposit of entire

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amount (100%) ordered by the court below on or before 15.3.2022. On that date the appellant counsel states that they have not deposited the amount as per the order of this Tribunal as well as the cost and further states that they have filed an appeal before Hon'ble High Court in CRP No. 900/22 which is at admission stage hence adjourned to 25.3.2022. On 28.3.2022 also again the appellant has not deposited the pre-deposit amount and paid the cost alone on 26.3.2022. Considering the non compliance of the pre-deposit order this Tribunal delivered the following:

ORDER

1. The Home buyers came forward that the complaint before Adjudicating Officer for the reliefs of refund of the amount towards sale consideration with interest, compensation and litigation costs. After contest the Learned Adjudicating officer directed the promoter to repay a sum of Rs.3,61,109/- along with interest @ 10.35% and also awarded compensation of Rs.1,00,000/- with litigation costs of Rs.25,000/-. Further directed that the balance amount paid by bank was also directed to be paid to the bank. Aggrieved upon the same the promoter preferred this appeal. In the waiver application this Tribunal ordered 100% of the total amount ordered by the court below. Since the appellant failed to comply the order this Tribunal delivered the following order:

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" In view of the order passed in application under Section 43(5) in M.A.No.25 of 2022 the appeal is dismissed for non compliance. No costs."

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 28th Day of March 2022.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
ADMN. MEMBER

Sd/- xxxx
JUDL. MEMBER

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