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: 15.09.2023

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

Appeal (SR) Nos.736 and 738 of 2022

M/s. Dugar Housing Limited,
now rep. by Senior Executive - Legal
... Appellant in both appeals

- Vs -

1.K.Arangannal
2.A.Arasi ... Respondents in A.(SR) No.736 of 2022

Dr.N.Jayanthi ... Respondents in A.(SR) No.738 of 2022

Prayer: The appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to set aside the impugned order dated 22.08.2022 by learned Adjudicating Officer, TNRERA in C.C.P.Nos.208 and 209 of 2021 and dismiss the complaints.

For Appellant : Mr.K.V.Bhashyam Chari
(in both the appeals)

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COMMON ORDER

By order dated 05.06.2023, following the judgment of the Hon'ble Supreme Court of India reported in **2021 SCC online SC 1044** (Newtech Promoters and Developers Pvt Ltd. Vs State of UP & Others), this Tribunal rejected the prayer seeking wavier of the pre-deposit as contemplated under Section 43(5) of the Act. Further, this Tribunal granted three weeks time to the appellant to make pre-deposit as contemplated under Section 43(5) of the Act.

2. Mr.K.V.Bhashyam Chari, learned counsel appearing for the appellant submitted that challenging the order dated 05.06.2023, the appellant filed Writ Petitions in W.P.(SR) Nos.78910 and 78911/2023 before Hon'ble High Court and the said Writ Petitions were heard by the learned Single Judge and reserved for orders on 14.07.2023. The learned counsel further submitted that the above appeals in Appeal (SR) Nos.736 and 738 of 2022 may be closed for the present and in the event of the appellant succeeding in the Writ Petitions, liberty may be given to the them to restore the appeals.

3. Having regard to the submissions made by the learned counsel appearing for the appellant, since the Writ Petitions in W.P.(SR) Nos. 78910 and 78911 of 2023 were reserved for orders, we are of the considered view that the above appeals in Appeal (SR) Nos.736 and 738 of 2022 can be closed, giving liberty to the appellant to restore the appeals in the event of the appellant succeeding in the Writ Petitions.

4. Accordingly, the above appeals in Appeal (SR) Nos.736 and 738 of 2022 are closed. However, liberty is given to the appellant to restore the

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above appeals in the event of the appellant succeeding in the Writ Petitions in W.P.(SR) Nos.78910 and 78911 of 2023. Connected Miscellaneous Applications, pending if any, are closed.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

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