**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: 08.11.2023**

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

**M.A.No.172 of 2023 in**
**Appeal (SR) No.13 of 2023**

M/s. Casa Grande Engineering Pvt Ltd.,
rep. by its Managing Director Arun MN ... Appellant

- Vs -

1. Nivrutha
2. Arun Raghuveeran ... Respondents

**Prayer:**

Miscellaneous Application has been filed under Section 44(2) of RERA Act, to condone the delay of 221 days in filing the appeal.

Appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, to set aside the order dated 07.12.2021 in CCP No.154 of 2020 passed by the Learned Adjudicating Officer, TNRERA.

For Appellant : Mr.O.L.V. Ganesan

For Respondents : Mr.Amar Panwar



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## ORDER

When the matter is taken up for hearing, Mr.O.L.V.Ganesan, learned counsel for the appellant and Mr.Amar Panwar, learned counsel for the respondents submitted that the parties had settled the matter out of Court and also entered into a Joint Compromise Memo dated 02.11.2023. The learned counsel on either side also produced a copy of the Joint Compromise Memo and the same is taken on record.

2. In the Joint Compromise Memo, the appellant has stated that they have deposited a total sum of Rs.14,66,124/- under Section 43(5) of the Act before this Tribunal. Further, the parties have agreed that out of the total sum of Rs.14,66,124/-, a sum of Rs.8,50,000/- should be paid to the respondents and the remaining amount of Rs.6,16,124/- should be refunded to the appellant.

3. The appellant and the respondents are entitled to receive their proportionate accrued interest on the amount deposited by the appellant under Section 43 (5) of the Act.

4. In view of the Joint Compromise Memo dated 02.11.2023, the application in M.A.No.172 of 2023 stands disposed of in terms of the Joint Compromise Memo and the terms of the compromise shall



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form part of the order in this application. Consequently, the Appeal in Appeal (SR).No.13 of 2023 stands closed.

**Sd/- xxxx**
**CHAIRPERSON**

**Sd/- xxxx**
**JUDICIAL MEMBER**

Copy to:

1. Nivrutha
2. Arun Raghuveeran
   Door No.10/23, Sharma Apartments,
   Thiruneermalai Main Road,
   Saraswathypuram,
   Chrompet, Chennai - 600 044.

3. The Adjudicating Officer, TNRERA.

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**BEFORE THE TAMIL NADU REAL ESTATE APPELATE TRIBUNAL (TNREAT)**

**CHENNAI**

TAMILNADU REAL ESTATE APPELLATE TRIBUNAL
SR No. 1181/23
08 NOV 2023
TNREAT
CHENNAI

**MA no.172 of 2023**

**In**

**A.S.R. No. 13 of 2023**
**Appeal No. of 2023**
**Against**
**CCP.No. 154 of 2020**
**(Order passed by the Hon'ble Adjudicating officer, TNRERA, Chennai)**

Between

CASA GRANDE Engineering Pvt Ltd
Represented by its Managing Director
Mr. Arun MN
NPL Devi, New No. 111, Old No. 59, L. B. Road
Thrivanmiyur, Chennai- 600 041

.....Applicant/Appellant/Respondent

Vs

1. Mrs. Nivrutha, W/o. Mr. ArunRaghuveeran
2. Mr.ArunRaghuveeran, S/o. Raghuveeran

Door No. 10/23, Sharma Apartments
Thiruneermalai Main Road, Saraswathypuram
Chrompet, Chennai- 600 044

...Respondents/Respondents/complainants

**JOINT COMPROMISE MEMO FILED BY THE APPELLANT AND RESPONDENTS**

1. The Parties submit this memo in MA no.172 of 2023 in A.SR.No.13 of 2023.

2. The Appellant submits that subject case has been settled out of court as per the discussions between the parties. The Appellant has pre-deposited a total sum of Rs.14,66,124/- (Rupees Fourteen lakh sixty six thousand one hundred and twenty only) as per Sec 43(5) of RERAtowards the Appeal.

3. It is submitted that on mutual consent between the parties, out of the said deposited sum, it is agreed that the amount deposited shall be paid out as set out hereunder:-

   a) A sum of Rs.8,50,000/- (Rupees EightLakh Fifty Thousand only) shall be ordered to be withdrawn and paid to the Respondent as full and final settlement of all claims
   b) The remaining sum of Rs.6,16,124/- (Rupees SixLakh SixteenThousand Hundred and Twenty Four only) shall be ordered to be withdrawn and released to the Appellant
   c) On the aforesaid terms of full and final settlement, the Parties settle all issues, claims and disputes among them.

P. VR

Amen-S

for CASA GRANDE CIVIL ENGINEERING PRIVATE LIMITED

Authorised Signatory

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4. The Respondent agrees that the execution proceedings in EP no. 02 of 2023 initiated by the respondent for executing the order in CCP no.154/2020 is also settled by the terms of this compromise. The said EP has been ordered on 19.04.2023. The respondent shall not press for any further proceedings on the said EP as the same also stands settled by the terms of this Memo.

5. The appellant submits that there is no cause to further pursue or press appeal as the matter settled on mutually agreeable terms between the parties and this Honourable Tribunal may be pleased to record this Joint Compromise and dispose of the Appeal in terms of the Joint Compromise.

6. The parties do not reserve any right, interest or liberty to agitate any further claims or issues between them and there is no cause for making any claims against each other. The parties confirm that they do not have any claims or demands against each other on any grounds or reason.

7. The parties humbly pray that the Honourable Tribunal may kindly accept this Joint Compromise Memo on record and dispose the Appeal in terms of the Joint Compromise and pass necessary orders as deem fit in the circumstances and thus render justice.

Dated at Chennai on this the 2nd day of November 2023

For CASA GRANDE CIVIL ENGINEERING PRIVATE LIMITED

Authorised Signatory

APPELLANT

COUNSEL FOR THE APPELLANT

RESPONDENTS

COUNSEL FOR THE RESPONDENTS

TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL
09 NOV 2023
TNREAT
CHENNAI

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**BEFORE THE TAMIL NADU REAL ESTATE APPELATE TRIBUNAL (TNREAT)**

**CHENNAI**

TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL
Sr.No. 1181/23
08 NOV 2023
TNREAT
CHENNAI

**MA no.172 of 2023**

**In**

**A.S.R. No. 13 of 2023**
**Appeal No. of 2023**
**Against**
**CCP.No. 154 of 2020**
**(Order passed by the Hon'ble Adjudicating officer, TNRERA, Chennai)**

Between

CASA GRANDE Engineering Pvt Ltd
Represented by its Managing Director
Mr. Arun MN
NPL Devi, New No. 111, Old No. 59, L. B. Road
Thrivanmiyur, Chennai- 600 041

.....Applicant/Appellant/Respondent

Vs

1. Mrs. Nivrutha, W/o. Mr. ArunRaghuveeran
2. Mr.ArunRaghuveeran, S/o. Raghuveeran

Door No. 10/23, Sharma Apartments
Thiruneermalai Main Road, Saraswathypuram
Chrompet, Chennai- 600 044

...Respondents/Respondents/complainants

**JOINT COMPROMISE MEMO FILED BY THE APPELLANT AND RESPONDENTS**

M/s. Ganesh and ganesh
Counsel for applicant/appellant/respondent
Email: olvgrera@gmail.com
ganesanjuniors1@gmail.com
Ph.9940421509, 7401462906

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