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: 08.01.2024

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

M.A.No.211 of 2023
in
Appeal (SR) No.550 of 2023

M/s. Casa Grande Civil Engineering Private Limited,
Represented by its Authorized Signatory,
G.Sethupathy,
Now represented by its Authorized Signatory,
Y.Mohanraj ... Appellant

- Vs -

Kiren Khanna ... Respondent

Prayer: Miscellaneous Application has been filed under Section 44(2) of RERA Act, to condone the delay of 196 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 common order dated 20.06.2022 in C.C.P.No.220 of 2021 on the file of the Adjudicating Officer, TNRERA.

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For Appellant : Mr.S.Sabareeswaran
For Respondent : Mr.B.Ravikumar

ORDER

When the matter is taken up for hearing, Mr.S.Sabareeswaran, learned counsel for the appellant and Mr.B.Ravikumar, learned counsel for the respondent submitted that the parties had settled the matter out of Court and also entered into a Joint Memorandum of Compromise dated 08.01.2024. The learned counsel on either side also produced a copy of the Joint Memorandum of Compromise before this Tribunal today and the same is taken on record.

2. The said Joint Memorandum of Compromise has been signed by the appellant, respondent and their respective counsels.

3. The learned counsel on either side submitted that the matter may be disposed of in terms of the Joint Memorandum of Compromise.

4. Recording the submissions made by the learned counsel on either side and also taking into consideration the Joint Memorandum of Compromise dated 08.01.2024, the matter is disposed of in terms of the Joint Memorandum of Compromise dated 08.01.2024. The terms of the compromise shall form part of this

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order. The application in M.A.No.211 of 2023 in A.(SR).No.550 of 2023 and the appeal in A.(SR).No.550 of 2023 are disposed of.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

Copy to:

1. Kiren Khanna
   No.15/2, V.S.V. Koil Street,
   Mylapore, Chennai - 600 004.

2. The Adjudicating Officer, TNRERA.

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

TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL
ERN0:19/24
08 JAN 2024
TNREAT
CHENNAI

MA No.211 of 2023
In
Appeal SR No.550/2023
against
CCP.No. 220 of 2021

Between

(Order passed by the Hon'ble Adjudicating Officer, TNRERA, Chennai)

M/s. Casa Grande Civil Engineering Private Limited,
Represented by its Authorised Signatory Mr. G. Sethupathy
Now represented by its Authorised Signatory Mr. Y. Mohanraj
NPL Devi, New No. 111, Old No. 59, L. B. Road
Thrivanmiyur, Chennai- 600041

.....Applicant/Appellant/Respondent

Vs

Mr. Kiren Khanna
S/o. Mr. Maheswarlal
Residing at No.15/2, V.S.V. Koil Street,
Mylapore, Chennai - 600004

...Respondent /Respondent/complainant

JOINT COMPROMISE MEMO FILED BY THE APPELLANT AND RESPONDENT

1. The Parties submit this memo in Appeal (SR) No.550 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 deposited a total sum of Rs.25,33,505/- (Rupees Twenty five lakh thirty three thousand five hundred and five only) as per Sec 43(5) of RERA towards the Appeal.

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

   a) A sum of Rs.15,20,103/- (Rupees fifteen lakh twenty thousand hundred and three 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.10,13,402/- (Rupees ten lakh thirteen thousand four hundred and two 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.

4. The Respondent agrees that the execution proceedings in EP No. 05 of 2023 initiated by the respondent for executing the order in CCP No. 220/2021 is also settled by the terms of this compromise. The said EP is pending before the Hon'ble

For CASA GRANDE CIVIL ENGINEERING PRIVATE LIMITED

Authorised Signatory

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Adjudicating Officer. 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 is settled on mutually agreeable terms between the parties and this Hon'ble 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 on any grounds whatsoever. The parties confirm that they do not have any claims or demands against each other on any grounds or reason.

The parties humbly pray that this Hon'ble Tribunal may kindly accept this Joint Compromise 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 08th day of January 2024

For CASA GRANDE CIVIL ENGINEERING PRIVATE LIMITED

Authorised Signatory

APPELLANT

COUNSEL FOR THE APPELLANT

RESPONDENT

COUNSEL FOR THE RESPONDENT

TAMILNADU REAL ESTATE APPELLATE TRIBUNAL
08 JAN 2024
TNREAT
CHENNAI

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

MA No.211 of 2023
In
Appeal SR No.550/2023
against
CCP.No. 220 of 2021

Between

(Order passed by the Hon'ble Adjudicating Officer, TNRERA, Chennai)

M/s. Casa Grande Civil Engineering Private Limited,
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.....Applicant/Appellant/Respondent

Vs

Mr. Kiren Khanna
S/o. Mr. Maheswarlal
Residing at No.15/2, V.S.V. Koil Street,
Mylapore, Chennai - 600004
...Respondent /Respondent/complainant



JOINT COMPROMISE MEMO FILED BY THE APPELLANT AND RESPONDENT

M/S. GANESH AND GANESH
COUNSEL FOR
APPLICANT/APPELLANT/RESPONDENT

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