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: 24.01.2024

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

M.A.No.230 of 2023
in
Appeal (SR) No.544 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 ... Applicant/Appellant

- Vs -

Uma Maheswari.N.K. ... Respondent/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.219 of 2021 on the file of the Adjudicating Officer, TNRERA.

For Appellant : Mr.O.L.V.Ganesan
For Respondent : Mr.B.Ravikumar

ORDER

When the matter is taken up for hearing, Mr.O.L.V.Ganesan, 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. Out of the total sum of Rs.22,87,685/- deposited by the Appellant/Promoter under Section 43(5) of the Act, a sum of Rs.13,72,611/- was agreed to be withdrawn by the Respondent/ Allottee and the balance sum of Rs.9,15,074/- was agreed to be withdrawn by the Appellant/Promoter. Since the amount is lying in the Fixed Deposit, the parties are entitled to receive the proportionate interest on the said amounts.

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5. 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 application in M.A.No.230 of 2023 in A.(SR).No.544 of 2023 and the appeal in A.(SR).No.544 of 2023 are disposed of in terms of the Joint Memorandum of Compromise dated 08.01.2024. The terms of the compromise shall form part of this order.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

Copy to:

1. Uma Maheswari.N.K.
   D/o.Mr.N.Kavirajan,
   residing at Flat No.3E, Block No.8,
   Asivin Amarisa Apartments,
   No.77, Kalasathamman Koil Street,
   Ramapuram, Chennai - 600 089.

2. 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. 34/24
24 JAN 2024
TNREAT
CHENNAI

MA No.230 of 2023
In
Appeal SR No.544/2023
against
CCP.No. 219 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

Mrs. Uma Maheswari. N.K
Daughter of Mr. N. Kavirajan
Flat No.3E, Block No.8,
Asvini Amarisa Apartments
No.77 Kalasathamman Koil Street
Ramapuram, Chennai- 600089

...Respondent /Respondent/complainant

JOINT COMPROMISE MEMO FILED BY THE APPELLANT AND RESPONDENT

1. The Parties submit this memo in Appeal (SR) No.544 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.22,87,685/- (Rupees Twenty two lakh eighty seven thousand six hundred and eighty 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.13,72,611/- (Rupees thirteen lakh seventy two thousand six hundred and eleven only) shall be ordered to be withdrawn and paid to the Respondent as full and final settlement of all claims

N. k. U

For CASAGRAND CIVIL ENGINEERING PVT. LTD.

Authorised Signatory

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b) The remaining sum of Rs.9,15,074/- (Rupees nine lakh fifteen thousand and seventy 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.

4. 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.

5. 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 8th day of January 2024

For CASAGRAND CIVIL ENGINEERING PVT. LTD.

Authorised Signatory

APPELLANT

COUNSEL FOR THE APPELLANT

RESPONDENT

COUNSEL FOR THE RESPONDENT

TAMILNADU REAL ESTATE APPELLATE TRIBUNAL
24 JAN 2024
TNREAT
CHENNAI

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BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL, CTNREA

CHENNAI

MA NO: 230 OF 2023

IN

APPEAL NO (SR): 544 OF 2023

AGAINST

CCP NO: 219 OF 2021

M/s. Casa Grande Civil Engineering Pvt. Ltd
Rep. by Mr. Y. Mohan Raj
... Applicant / Appellant / Respondent

-Vs.

Mrs. Uma Maheswari. N.K
D/o. Mr. N. Kanagaraj
... Respondent / Respondent Complainant

JOINT COMPROMISE MEMO FILED BY THE APPELLANT AND THE RESPONDENT



M/s. GANESH AND GANESH

COUNSEL FOR THE APPELLANT

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