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 : 13.09.2023

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

Appeal No.24 of 2023

IVR Hotels & Resorts Ltd.,
rep. by its Director Edward C.Theodore Solomon ... Appellant

- Vs -

Mukhtar Parvez ... Respondent

Prayer: The appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to allow the appeal and set aside the order dated 12.01.2023 in C.C.P.No.254 of 2021 passedby the learned Single Member, TNRERA.

For Appellant : Ms.Varsha K.Sukumar

Respondent : Mr.Mukhtar Parvez, party-in-person

ORDER

After hearing the submissions of Mr.Thriyambak Kannan, learned counsel for the appellant and Mr.Mukhtar Parvez, respondent, party-in-person, the above appeal was reserved for orders on **11.09.2023.**

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2. Today, Ms.Varsha K.Sukumar, learned counsel for the appellant made a mention before this Tribunal for listing the appeal in the additional list for the reason that the appellant is willing to comply with the order passed by the TNRERA, which is impugned in the above appeal.

3. Mr.Mukhtar Parvez, the respondent, appearing in person, is also present in the Court. He also submitted that he is willing to receive the amount by withdrawing the said amount, which has been deposited by the appellant as pre-deposit under Section 43(5) of the Act to the credit of the above appeal before this Tribunal.

4. Accordingly, the matter has been listed in the Additional List and taken up for hearing today.

5. Ms.Varsha K.Sukumar, learned counsel for the appellant, on instructions, submitted that the appellant is willing to comply with the order passed by the learned Single Member, TNRERA in C.C.P.No.254 of 2021. The learned counsel has also made an endorsement to that effect in the bundle.

6. Mr.Mukhtar Parvez, respondent, appearing in person, submitted that he is willing to receive the amount from the appellant by withdrawing the pre-deposit amount, for which the learned counsel for the appellant has no objection.

7. Mr.Mukhtar Parvez, the respondent herein submitted that he has also filed an Execution Petition to execute the order passed in C.C.P.No.254 of 2021 before the learned Single Member/Adjudicating Officer and the same is pending. The respondent further submitted that in view of the settlement arrived at between him and the appellant, he undertakes to withdraw the Execution Petition pending before the

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learned Single Member/Adjudicating Officer. The respondent also made an endorsement to that effect in the bundle.

8. In view of the settlement arrived at between the parties, we record the undertaking given by the respondent for withdrawing the Execution Petition pending before the learned Single Member/ Adjudicating Officer.

9. Recording the submissions made by learned counsel for the appellant and the respondent, party-in-person, we permit, Mr.Mukhtar Parvez, the respondent, to withdraw the amount deposited by the appellant to the credit of A.No.24 of 2023 under Section 43(5) of the Act together with accrued interest, in full and final settlement of the claim made by him.

10. With these observations, the appeal is disposed of.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

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