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 12.07.2023

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

Appeal No.36 of 2023

Mahidhara Central Owners Welfare Association (MCOWA),
represented by its President G.Kotteeswaran ... Appellant

- Vs -

M/s.Mahidhara Projects Private Limited,
rep. by its Director ... Respondent

Prayer: The appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 (i) to allow the appeal and set aside the Impugned order dated 02.03.2023 passed by TNRERA in C.No.31 of 2022 to the extent that apart from the direction to the respondent to complete all development work, the same should be in a usable manner and as promised by the respondent in the brochure, being the various amenities under the categories of standard amenities, special amenities and other exclusive features; (ii) to order and direct the respondent to become a member of the Complainant Association and initiate all purchasers of Mahidhara Central to become members of the Complainant Association for each property held, with immediate effect; (iii) to order and direct the respondent to initiate the maintenance of the project Mahidhara Central upon completion of the project for the period of 3 years as promised in the brochure, before handing over to the complainant Association in terms of Section 11(4)(d) and (e) of the Real

Estate (Regulation and Development) Act, 2016; (iv) to order and direct the respondent to complete all development works within a reasonable period of time, and consequently obtain the completion certificate from the relevant Competent Authority and make it available to the complainant Association in terms of Section 11(4)(b) of the Real Estate (Regulation and Development) Act, 2016; and (v) to impose penalty on the respondent in terms of Section 61 of the Real Estate (Regulation and Development) Act, 2016, for contravention of Section 11(4)(b), 11(4)(d), 11(4)(e), 11(4)(f) and Section 17 of the Act.

For Appellant : Mr.M.V.V.N.Sivanthy

ORDER

Mr.M.V.V.N.Sivanthy, learned counsel appearing for the appellant seeks permission to withdraw the appeal. The learned counsel also made an endorsement to that effect.

2. In view of the same, the appeal is dismissed as withdrawn. It is open to the appellant to file an Execution Petition to execute the order impugned in the appeal. Consequently, the connected Miscellaneous Applications, pending if any, are closed.

Sd/-xxxx
CHAIRPERSON

Sd/-xxxx
JUDICIAL MEMBER

Verified © RealEstate