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 21.07.2023

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

Appeal No.43 of 2023

Malles Aashira Owners Welfare Association
represented by its Honorary Secretary M.Murali ... Appellant

- Vs -

1. M/s.Malles Construction Pvt. Ltd.,
   rep. by its Director C.Thilak Raj
2. Malles Akankssha Flat and Villa
   Owners Welfare Association,
   rep. by its Honorary Secretary
   Prabhu Alexander ... Respondents

Prayer: The appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to allow the appeal and to set aside the order of the Real Estate Regulatory Authority, Chennai dated 02.06.2023 passed in I.A.No.39 of 2022 in Complaint No.108 of 2022.

For Appellant : Mr.S.Mahesh Kumar

ORDER

Mr.S.Mahesh Kumar, learned counsel appearing for the appellant seeks permission to withdraw the appeal with liberty to raise all the

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contentions before TNRERA while arguing the complaint in C.No.108/2022. The learned counsel further submitted that TNRERA may be directed to decide the complaint in C.No.108/2022 independently uninfluenced by any of the observations made in I.A.No.39/2022 dated 02.06.2023. The learned counsel also made an endorsement to that effect.

In view of the same, the appeal is **dismissed as withdrawn.** It is open to the appellant to raise all the issues before TNRERA in C.No.108/2022 with regard to the *locus* of the 2nd Respondent/Proposed party and TNRERA shall decide the complaint on merits and in accordance with law, uninfluenced by any of the observations made in I.A.No.39/2022. Connected Miscellaneous Applications pending, if any, are closed.

Sd/-xxxx
CHAIRPERSON

Sd/-xxxx
JUDICIAL MEMBER

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