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 03-11-2023

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

Review Petition No.6 of 2023
in
Appeal No.46 of 2023

1. S.Ganesan
2. Pradeep Konnath
3. Rubi Sharobini
4. Kamalakannan
5. Unni Krishnan
6. Sivanandam
7. Anuradha
8. Muniyandi
9. Vinod Kumar ... Review Petitioners/Appellants

- Vs -

1. Real Value Promoters Pvt. Ltd.,
   rep. by Kolappan

2. Neelkamal Apartments Buyers Association (NABA)
   rep. by its Secretary
   G.Saravanan ... Respondents/Respondents

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This Review Petition has been preferred under Section 53(4) of the Real Estate (Regulation and Development) Act, 2016 by the Review Petitioners/Appellants to review the order passed by this Tribunal on 11.08.2023 in A.No.46 of 2023 and to allow/accept the prayer for maintainability and/for acceptance/receive the document relating to publication of Insolvency Proceedings against the 1st respondent/ promoter - Real Value Promoters.

For Review Petitioners : Mr.S.Ganesan (1st Review Petitioner cum Authorized representative for the Review Petitioners 2 to 9)

ORDER

Heard Mr.S.Ganesan, 1st review petitioner, appearing in person on his behalf and also on behalf of the review petitioners 2 to 9.

2. This Tribunal, by order dated 11.08.2023, after hearing the submissions of the 1st appellant, who appeared on his behalf and also on behalf of the appellants 2 to 9, dismissed the appeal as devoid of merits. While dismissing the appeal, this Tribunal took into consideration the case of both parties. After dismissal of the appeal on 11.08.2023, now the appellants have come forward to file the above Review Petition seeking to review the order passed in A.No.46 of 2023 dated 11.08.2023.

3. On a perusal of the grounds of the Review, it could be seen that the review petitioners have not pointed out a single error apparent on the face of the record warranting interference under Order 47 Rule 1 CPC.

4. It is settled law that a Review Petition cannot be construed as an appeal in disguise. It is also settled law that the Review Petitioners cannot re-argue the appeal. Under Order 47 Rule 1 CPC, it is very clear that unless there is an error apparent on the face of the record, the Review Petition cannot be entertained.

5. The 1st review petitioner is not in a position to point out any error apparent on the face of the record warranting interference in the Review Petition. In the absence of an error apparent on the face of the record, we are not inclined to entertain the Review Petition. Accordingly, the Review Petition is dismissed.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

Copy to:

1. Real value Promoters Pvt. Ltd.
   rep. by Kolappan
   AMARASRI, 455, Anna Salai, Teynampet,
   Chennai - 600 018.

2. Neelkamal Apartments Buyers Association (NABA)
   Rep by its Secretary, G.Saravanan
   Flat No.2, Block-C-35, Provident Cosmo City Apartments,
   Pudupakkam, Chennai - 600 103.

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