BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

(Under the Real Estate (Regulation And Development) Act 2016)

Wednesday the 01st day of March 2023

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

Appeal No.7/2023

M/s. Four Square Landmarks Pvt.Ltd.,
Rep. by its Director .... Appellant

..Vs..

1. Sherine Manoj
2. M.Jeyasakaran
   Proprietor of M/s.Baskara Construction and estates
3. S.Gowri
4. K.Padma ... Respondents

This appeal has been filed U/s 44(1) of the Real Estate (Regulation and Development) Act 2016 as against the Common order passed by Tamil Nadu Real Estate Regulatory Authority in I.A.No.46/2021 and I.A.No.3 of 2022 in C.Nos.196, 198 and 199 of 2021 dated 10.11.2022 and the same was taken on file on 14.02.2023.

Today the matter came up for admission in the presence of Mr.Mani Sundar Gopal, learned counsel appearing on behalf of M/s. K.Ramu,

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R.Vishnu, S.Shruthi, S.Aniyruddh, Counsels for the appellant. Having heard the Counsel for the appellant this Tribunal delivered the following,

ORDER

This is an appeal preferred against the interim order passed by the TNRERA in I.A.No.46/2021 in C.No.196/2021 dated 10.11.2022. The 1st respondent herein preferred a complaint before TNRERA in C.No.196/2021 seeking certain reliefs. During the course of enquiry the 1st respondent herein filed an interim application in I.A.No.46/2021 to implead the appellant herein as 4th respondent in the complaint in C.No.196/2021. After notice to the appellant i.e proposed party to be impleaded, and after hearing both sides the said interim application was allowed by TNRERA by its order dated 10.11.2022. Challenging the said interim order the appellant has preferred this appeal before this Tribunal. Today the appeal came up for admission. Heard the counsel for the appellant.

The appellant has challenged the order passed in I.A.No.46/2021 in C.No.196/2021 on the file of TNRERA impleading the appellant as 4th respondent in the complaint. The main grievance of the appellant is that though they have no objection for getting themselves impleaded as 4th respondent in the complaint, the finding rendered by TNRERA fastening the status of the appellant as promoter is not correct. Mr.Mani Sundar Gopal, learned counsel appearing for the appellant submitted that instead of going into the merits of the matter it would be suffice to dispose of the appeal with a direction to TNRERA to decide the status of the appellant i.e., whether the appellant is a promoter or not while deciding the complaint in C.No.196/2021. The learned counsel appearing for the appellant

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submitted that the appellant would file their counter in C.No.196/2021 within a period of 3 weeks. In view of the submissions made by the learned counsel appearing for the appellant, the appeal is disposed of with the direction to TNRERA to decide the issue with regard to the status of the appellant as stated above while deciding the complaint in C.No.196/2021. Connected Miscellaneous applications pending if any are hereby closed.

Dictated to the Stenographer directly and typed by her in the computer, corrected and pronounced by us in the open court on 01st Day of March 2023.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
ADMNINISTRATIVE MEMBER

Sd/- xxxx
JUDICIAL MEMBER

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