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: 06-10-2023

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

M.A.(SR).Nos.990 & 991 of 2023
in A.No.18 of 2023
and
M.A.(SR).Nos.994 & 995 of 2023
in A.No.19 of 2023

1. M/s.RGE Constructions and Development Private Limited,
   rep. by its Authorized Signatory
   Niranjana Ramakrishnan

2. Niranjana Ramakrishnan
   Authorized Signatory of M/s.RGE Constructions
   and Development Private Limited ... Applicants in all M.As

.. Vs ..

Vijay Shankar Venugopal
Rep. by his Power of Attorney Holder
S.K.Balasubramanian ... Respondent in
M.A.(SR)Nos.990 & 991/2023

S.K.Balasubramanian ... Respondent in
M.A.(SR)Nos.994 & 995/2023

Verified by RealEstate™

M.A.(SR)Nos.990 & 994 of 2023 have been filed to condone the delay of 14 days in filing the applications seeking to recall the order dated 31.07.2023 made in A.Nos.18 & 19 of 2023.

M.A.(SR)Nos.991 & 995 of 2023 have been filed to recall the order dated 31.07.2023 made in A.Nos.18 & 19 of 2023 and permit the 1st applicant Company to defend the captioned Appeal Nos.18 & 19 of 2023 on merits.

For Applicants (all M.As) : Mr.G.Vivekanand
Mrs.Varuni Mohan

For Respondent (All M.As.) : Mr.R.Ramasubramaniam Raja

COMMONORDER

Challenging the orders passed in C.C.P.Nos.62 & 63 of 2020 dated 13.02.2023 on the file of the learned Single Member, TNRERA, the respondents in the above applications have filed the appeals in A.Nos.18 and 19 of 2023.

2. When the appeals were listed for admission on 26.04.2023, this Tribunal ordered notice to the applicants in the above applications returnable on 26.06.2023 and also permitted the respondents/appellants to take private notice to them. Pursuant to the order passed by this Tribunal, the Registry sent notices to the applicants and the notices were duly served on them. That apart, the private notice taken by the respondents have also been duly served on them and the learned counsel appearing for the respondents/appellants filed the affidavit of service. When the matter was listed on 26.06.2023, in order to give one more opportunity to the applicants, the matter was adjourned to 21.07.2023.

Verified © RealEstate™

When the matter was listed on 21.07.2023, inspite of the Court notice and the private notice being served on the applicants, none appeared for them. Hence, this Tribunal heard the submissions of Mr.R.Ramasubramaniam Raja, the learned counsel for the appellants and reserved the matter for orders. By order dated 31.07.2023, this Tribunal, taking into consideration the submissions made by the learned counsel for the appellants as well as the materials available on record, allowed both the appeals and directed the applicants/respondents to refund the amounts paid by the appellants.

3.The order was passed on merits by this Tribunal in the above appeals. Subsequently, on 13.09.2023, the applicants filed the present applications seeking to recall the order dated 31.07.2023 made in A.Nos.18 & 19 of 2023.

4.Even in the affidavit filed in support of the applications, the applicants have categorically stated that they have received the Court notice as well as the private notice sent to them. Inspite of receiving the Court notice as well as the private notice, for the reasons best known to them, the applicants remained silent and failed to appear before this Tribunal to make their submissions.

5.It is pertinent to note that there is no specific provision available to the applicants under the Real Estate (Regulation and Development) Act, 2016, to file an application to recall the order, which was passed on merits.

Verified by RegEstate™

6.In these circumstances, we do not find any ground to entertain the applications. Hence, the applications are rejected.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

Verified RealEstate™