BEFORE THE TAMIsL NADU REAL ESTATE APPELLATE TRIBUNAL (TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

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

Dated: 20.03.2024

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

Appeal No.13 of 2024
and
M.A.No.22 of 2024

1. Syed Kaleemulla
2. Arifa Khan ... Appellants

- Vs -

1. M/s. Lokaa Developer Private Limited
   rep. by its Authorized Signatory
   Santhosh Sharma
2. L.K. Sudhish
3. S.Poomajothi ... Respondents

Prayer: The appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 against the order dated 15.12.2023 made in C.No.41 of 2023 by the TNRERA, for the following reliefs:

(i) Direct the respondents to execute and register Sale Deed transferring 358.65 Sq.ft. (33.31 Sq. Mtrs) of Undivided Share in the land, in the property being all that piece and parcel of land situated

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at 200 feet road (200 feet inner ring road), (Jawaharlal Nehru Salai), Nagalakshmi Nagar, Ponniammanmedu, Madhavaram, Chennai, comprised in S.Nos.1353/2A, and 1353/2B and as per Patta T.S.Nos. 6 and 7, Ward D, Block No.53 situated in Madhavaram Village, Madhavaram Taluk (earlier Ambattur Taluk), Thiruvallur District, measuring a total extent of 91476 Sq. ft. (8498.40 Sq. Mts.) or thereabouts and bounded on the

North by : T.S.No.5
East by : T.S.No.11
West by : T.S.No.89-200 feet road
South by : T.S.No.8 and 9

and situated within the Registration District of Chennai North and Sub-Registration District of Madhavaram more particularly described in Schedule 'B'.

(ii) Direct the respondents to execute and register Construction Agreement as per the Construction Agreement dated 14.08.2019 filed as enclosure 5.

(iii) Direct the respondents to complete and hand over the possession of the Apartment 1701 M-ONE project together with one covered car parking and one reserved two-wheeler parking to the complainants and more particularly described in Schedule 'C' hereunder within one month.

(iv) Direct the respondents to pay compensation of Rs.15,00,000/- towards mental agony suffered by the appellants.

(v) Direct the respondent to pay interest on the amount paid @ 18% p.a. from 14.08.2019 till date of handing over of possession.

(vi) Direct the respondent to pay cost(s) of this appeal to the appellants.

For Appellants : Mr.A.Prabhakara Reddy

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ORDER

Challenging the order passed in C.No.41 of 2023 dated 15.12.2023 on the file of the TNRERA, the complainants have filed the above appeal.

2. On a perusal of the order passed in C.No.41 of 2023, it could be seen that the parties had settled the matter out of Court and also entered into a Joint Memorandum of Compromise dated 03.10.2023, by swapping of Flat Unit No.1701 to Unit No.1205 in the same real estate project. Recording the Joint Memorandum of Compromise, the Authority directed the respondent/Promoter to file a compliance affidavit before 31.12.2023 for having registered all the Agreements with the copies of the registered Agreements on or before 30.11.2023. The complaint was disposed of with these directions. Challenging this order, the complainants have filed this appeal.

3. It is settled position of law that no appeal is maintainable as against a compromise decree.

4. Mr.A.Prabhakara Reddy, learned counsel for the appellants submitted that the Joint Memorandum of Compromise dated 03.10.2023 was obtained by coercion in Police Station, therefore, the Authority should have rejected the same.

5. However, this contention was not brought to the notice of the Authority till today. If the said contention is a genuine one, the

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complainants should have filed a Review Petition before the TNRERA, bringing all these contentions raised in this appeal, for consideration.

6. Since the appeal has been filed as against a compromise decree, the same is not maintainable. Accordingly, the appeal is dismissed as not maintainable. Consequently, the connected Miscellaneous Application is closed.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

Copy to

1. The TNRERA.
2. M/s. Lokka Developers (P) Ltd.
   rep by its Authorized Signatory
   Santhosh Sharma
   Lokka House, No.14, 2nd Main Road,
   Kannappan Nagar Extension,
   Thiruvanmiyur, Chennai - 600 041.
3. L.K. Sudhish
   No.97, 2nd Cross Street,
   Venkatesh Nagar, Virugambakkam, Chennai - 600 092.
4. S.Poornajothi
   No.97, 2nd Cross Street,
   Venkatesh Nagar, Virugambakkam, Chennai - 600 092.

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