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NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

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TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL, CHENNAI

Tamil Nadu Real Estate Appellate Tribunal Regulations, 2023

(Letter No. TNREAT/519/2023)

No. SRO C-1/2024.

Whereas it is expedient to modify the Regulations of the Tamil Nadu Real Estate Appellate Tribunal, 2019, the Hon'ble Chairperson as contemplated under Section 54 of the Real Estate (Regulation and Development) Act, 2016 and in exercise of the power provided under sub-Rule (3) of Rule 29, read with, Rule 35 of Tamil Nadu Real Estate (Regulation and Development) Rules, 2017, which enables the Tribunal to frame its own practice and procedure, hereby modify the Regulations as follows:-

CHAPTER I

PRELIMINARY

1. Short Title, Extent and Commencement:

(a) These Regulations may be called the Tamil Nadu Real Estate Appellate Tribunal Regulations, 2023.

(b) By Appendix to G.O.(Ms) No.201, Housing and Urban Development [UD1(2)] Department, dated 22.12.2017, in exercise of powers conferred by sub-section (1) of Section 43 of the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016), the Governor of Tamil Nadu constituted the Tamil Nadu Real Estate Appellate Tribunal.

(c) By the Government Order in G.O.(Ms).No.103, Housing and Urban Development [UD1(2)] Department, dated 24.07.2018 and the Government Order in G.O.Ms.No.09/2018-Hg, Chief Secretariat (Housing), Puducherry, dated 28.09.2018, the Tamil Nadu Real Estate Appellate Tribunal was authorized to act as the Real Estate Appellate Tribunal for the Union Territory of Puducherry.

(d) By Letter No.10892/UD1-2/2016-12, dated 22.06.2017 of the Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai - 9 and by Notification No.000547, dated 09.10.2017 of the Lieutenant Governor, Andaman and Nicobar Islands, the Tamil Nadu Real Estate Appellate Tribunal was authorized to act as the Real Estate Appellate Tribunal for the Union Territory of Andaman and Nicobar Islands Real Estate Appellate Tribunal.

(e) The Tamil Nadu Real Estate Appellate Tribunal Regulations, 2023 shall be applicable to the whole State of Tamil Nadu, the Union Territories of Puducherry and Andaman and Nicobar Islands.

(f) The Tamil Nadu Real Estate Appellate Tribunal Regulations, 2023 shall come into force on the date of publication in *Tamil Nadu Government State Gazette.*

(g) These Regulations shall apply to all the proceedings in the Tribunal on the date of their commencement.

CHAPTER II

2. Definitions: In these Regulations, unless there is anything repugnant to the subject or context:-

(i) "Act" shall mean the Real Estate (Regulation and Development) Act, 2016.

(ii) "Rules" shall mean the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017, the Puducherry Real Estate (Regulation and Development) (General) Rules, 2017 and the Andaman and Nicobar Islands Real Estate (Regulation and Development) (General) Rules, 2016, respectively, as amended from time to time.

(iii) "Address for Service" shall mean the address furnished by a party or his/her authorized agent or his/her legal practitioner, chartered accountant, company secretary, cost accountant at which service of summons, notices or other processes may be effected.

(iv) "Appeal" means an appeal filed under sub-section (1) of Section 44 of the Act, read with, Rule 29 of Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 in the case of Tamil Nadu, Rule 24 of the Puducherry Real Estate (Regulation and Development) (General) Rules, 2017 in the case of Union Territory of Puducherry and Rule 25 of the Andaman and Nicobar Islands Real Estate (Regulation & Development) (General) Rules, 2016 in the case of Union Territory of Andaman and Nicobar Islands.

(v) "Appellant" means a person who has filed an appeal under sub-section (1) of Section 44 of the Act, read with, Rule 29 of Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 in the case of Tamil Nadu, Rule 24 of the Puducherry Real Estate (Regulation and Development) (General) Rules, 2017 in the case of Union Territory of Puducherry and Rule 25 of the Andaman and Nicobar Islands Real Estate (Regulation and Development) (General) Rules, 2016 in the case of Union Territory of Andaman and Nicobar Islands.

(vi) "Authority" shall mean subject to applicability, the Real Estate Regulatory Authority constituted under the Act by the Government of Tamil Nadu and the Union Territories of Puducherry and Andaman and Nicobar Islands, which also include "Adjudicating Officer" appointed by the Authority as per Section 71 of the Act.

(vii) "Authorized person" means a person authorized by the appellant to represent him/her before the Tribunal and which term includes the persons as explained in Section 56 of the Act.

(viii) "Chairperson" means the Chairperson of the Tamil Nadu Real Estate Appellate Tribunal appointed under Section 46(2) of the Act.

(ix) "Judicial Member" means the person appointed as the Judicial Member of the Tamil Nadu Real Estate Appellate Tribunal as per Section 46(3) of the Act.

(x) "Technical or Administrative Member" means the person appointed as Technical or Administrative Member of the Tamil Nadu Real Estate Appellate Tribunal as per Section 46(3) of the Act.

(xi) "Registrar" means the Officer of the Tamil Nadu Real Estate Appellate Tribunal appointed by the Chairperson and includes any other Officer of the Tamil Nadu Real Estate Appellate Tribunal authorized by the Chairperson to act as Registrar.

(xii) "Registry" means the Office of the Tamil Nadu Real Estate Appellate Tribunal.

(xiii) "Code" means the Code of Civil Procedure, 1908, as amended from time to time.

(xiv) "Tribunal" means the Tamil Nadu Real Estate Appellate Tribunal established under Section 43 of the Real Estate (Regulation and Development) Act, 2016.

CHAPTER III

3. Administration of the Tribunal:

(i) The entire administration of the Tribunal is vested with the Hon'ble Chairperson as envisaged under Section 54 of the Real Estate (Regulation and Development) Act, 2016, read with, Rule 35 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017.

(ii) In the case of the post of the Chairperson lying vacant, the Judicial Member shall be in-charge of the administration of the Tribunal. In such circumstances, the Judicial Member shall only discharge the routine administrative works and shall not take/decide any policy decisions, including appointment, dismissal and variation in the service conditions of the staff members of the Tribunal, etc.

(iii) In the case of both, the post of Chairperson and the post of Judicial Member, are lying vacant, the Technical/Administrative Member shall be in-charge of the administration of the Tribunal. In such circumstances, the Technical/Administrative Member shall only discharge the routine administrative works and shall not take/ decide any policy decisions, including appointment, dismissal and variation in the service conditions of the staff members of the Tribunal, etc.

(iv) The routine administrative works done in the absence of the Chairperson, either by the Judicial Member or by the Technical/Administrative Member as mentioned in Clause 3 (ii) and (iii), must be brought to the notice of the Chairperson and must be ratified by the Chairperson by way of Office note(s).

CHAPTER IV

4. Presentation of Appeal:

(1) Every appeal in Form-L, which is prescribed under sub-section (1) of Section 44 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 in the case of Tamil Nadu, Rule 24 of the Puducherry Real Estate (Regulation and Development) (General) Rules 2017, in the case of Union Territory of Puducherry and Rule 25 of the Andaman and Nicobar Islands Real Estate (Regulation and Development) (General) Rules, 2016, in the case of Union Territory of Andaman and Nicobar Islands, shall be enclosed with the following documents:

(i) Memorandum of Appeal and Petition, counter statement of the respondent, if any.

(ii) Certified copy of the order against which the appeal is filed.

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(iii) Copies of documents relied upon by the appellant and referred to in the appeal.

(iv) Index to the list of documents.

(v) An appeal shall be annexed with a concise statement of facts.

(vi) An appeal shall be annexed with a Demand Draft drawn in favour of the Tamil Nadu Real Estate Appellate Tribunal, Chennai towards payment of the pre-deposit as contemplated under Section 43(5) of the Act.

(2) Memorandum of Appeal in triplicate with adequate number of copies to be served on all respondents.

(3) Every appeal filed under sub-Section (1) of Section 44 of the Act and under the respective Rules of the respective Authority, shall be accompanied by a fee of Rs.1,000/- (Rupees One thousand only) as per Rule 29 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 by Demand Draft drawn in favour of the Tamil Nadu Real Estate Appellate Tribunal, Chennai.

(4) The appellant shall also pay a sum of Rs.1,000/- towards postage and other incidental charges in the form of Demand Draft drawn in favour of the Tamil Nadu Real Estate Appellate Tribunal, Chennai.

(5) If the appeal is presented through an Advocate, necessary vakalat duly signed by him/her with Name, Enrollment No., Address, e-mail ID, Mobile No., etc, affixing the necessary Court Fee stamp as well as Advocate Welfare Fund stamp on it and also duly attested by an Advocate with his/her Name, Enrollment No., Address, shall be filed.

(6) If a party is appearing in person, he/shall shall produce necessary ID proof like Aadhar/Driving Licence/ Ration Card, etc.

(7) In the event of an appeal being filed by an authorized representative, as mentioned in Section 56 of the Act, necessary true copy of the Power of Attorney document or Letter of Authorization, authorizing them to represent the appellant before the Tribunal, shall be filed along with the appeal papers. The original of such authorization of the Power of Attorney or Letter of Authorization, as the case may be, shall be produced for verification at the time of filing for verification and return;

Provided that the Registrar may, at any time, call upon the party to produce such further materials as and when he/she is directed by the Tribunal in this regard.

(8) Along with the appeal papers, the appellant shall produce the original impugned order served to him/her or self- attested copy along with the postal cover in the event of service of order by post so as to ascertain the date of service, as the date is mandatory requirement to determine the period of limitation.

(9) When the appeal is presented after the expiry of period of limitation as specified in the Act, Memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant relies to satisfy the Tribunal that he/she has sufficient cause for not preferring the appeal within the period of limitation.

(10) Necessary papers shall be filed, either by affixing the signature or by affixing the Left Thumb Impression of the parties.

(11) Except with the leave of the Tribunal by filing an application, no new/additional documents which have not been produced or relied on before the Authority shall be produced at the time of filing.

(12) In pending matters, all applications shall be presented after serving copies thereof in advance on the respondent or his/her counsel or authorized representative.

CHAPTER V

5. Receipt, Scrutiny and Registration of Appeals and Petitions:

(i) The person in-charge of receipt and dispatch section shall immediately, on receipt of appeal or petition, affix the date seal of the Tribunal on all pages of grounds of appeal or petition and shall enter the same in the Appeal Register by assigning separate SR numbers for the Memorandum of Appeal and other papers filed along with the appeal.

(ii) The payment of Appeal Fees and Process Fees in the form of Demand Draft and payment of other Court Fees paid in the form of adhesive stamps shall be verified and entered in the Appeal Register (SR Register) and place the appeal papers before the Section Officer for scrutiny.

(iii) The Scrutiny Officer of the Registry shall, on receipt of the appeal papers from the receiving branch, scrutinize the same, as expeditiously as possible, but not beyond 4 working days from the date of receipt of the appeal;

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Provided that for any reason the scrutiny is not completed within the said period, the same shall be immediately reported to the Registrar, who shall take prompt steps to complete the scrutiny within 7 days.

(iv) On scrutiny, if the appeal or petition is found to be defective shall be returned for compliance and entered in the return register and such return intimation shall be uploaded in the website or informed through e-mail. It is for the party to take the returned appeal papers. If there is a failure to comply within 5 days if the residence or office of the appellant or petitioner is within Chennai Metropolitan Area; within 10 days if the residence or office of the appellant or petitioner is from outside Chennai Metropolitan Area and Union Territory of Puducherry and within 15 days in the case of Andaman and Nicobar Islands from the date of return and the same shall be placed before the Registrar, who may pass appropriate orders.

(v) If the party fails to take any step for rectifying the defects within the time fixed for the same, the Registrar, for reasons to be recorded in writing, shall post it before the Appellate Tribunal for default.

(vi) Court Fee stamps affixed in the vakalat or Letter of Authorization shall be checked and after cancellation of the same, with the seal of the Appellate Tribunal, shall be accounted in the Court Fee Register.

(vii) For the purpose of reckoning the period of limitation, if the last day falls on a holiday, that day and the following holidays shall be excluded. It should be presented immediately on the next working day, succeeding the holidays from the last date of limitation.

(viii) The Registry shall maintain a separate register for the receipt of the pre-deposit amount as contemplated under Section 43 (5) of the Act, mentioning the details of the order impugned in the appeal, the details of the Demand Draft and also the percentage of the penalty amount paid as pre-deposit.

(ix) The Registry shall deposit the Demand Draft received by them towards pre-deposit under Section 43 (5) in the Tribunal's account and after realization, the said amount shall be deposited in a Fixed Deposit in anyone of the Nationalized Banks with the approval of the Chairperson. The said amount shall remain in the Fixed Deposit till the disposal of the appeal. After the disposal of the appeal, the pre-deposit amount shall be returned to the concerned party as per the orders of the Tribunal, together with the accrued interest.

6. Numbering:

(1) Subject to the provisions of Rule 29 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017, the Registrar, on examining the appeal, shall, if it is in order, direct for numbering it.

(2) Every appeal filed under Section 44 of the Act shall be numbered as Appeal No. followed by the respective calender year and registered in the appropriate register maintained in this behalf.

(3) Miscellaneous Application, filed along with the appeal already instituted, shall be numbered as M.A.No. followed by the respective calendar year and registered in the appropriate register maintained in this behalf.

(4) Review Petition shall be numbered as R.P.No. followed by the respective calendar year and registered in the appropriate register maintained in this behalf.

(5) The Tribunal will, whenever required and finds it necessary, upload the cause list in the website monthly, weekly or daily.

(6) Where an application for interim order is expected to be filed along with an appeal filed before the Tribunal, any person claiming right to be heard before considering such an application before the Tribunal, may file a Caveat Petition in respect thereof as contemplated under Section 148-A of the Code of Civil Procedure, 1908.

(7) The Caveat Petition shall be numbered as Caveat No. followed by the respective calendar year and registered in the appropriate register maintained in this behalf.

CHAPTER VI

7. Power and Duties of the Registrar:

The Registrar is the Head of the Registry and shall act as per the directions of the Chairperson.

(1) The Official seal shall be kept in the custody of the Registrar.

(2) Subject to any general or specific written directions of the Chairperson, the seal of the Appellate Tribunal shall not be affixed in any order, summons or other process, any copy of order for certification except under the authority in writing from the Registrar.

(3) The Registrar shall verify and affix his signature in all the Appeals, Miscellaneous Applications placed before him. The Registrar shall fix the hearing date for the appearance of the parties before the Bench.

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(4) The Appeals and Miscellaneous Applications shall be listed before the Bench on the date of hearing so fixed for admission and for necessary orders.

(5) The Registrar is empowered to sign the notice of appeals or any other notices and summons for being served on the parties.

(6) Subject to the directions of the Chairperson, the Registrar shall order grant of copies of the documents to the parties to the proceedings. In the case of a third party filing a copy application seeking copies of the documents, the same shall be supported by an affidavit and petition stating the reasons for applying for the copies of the documents.

(7) The Registrar shall take necessary action according to the directions of the Chairperson with regard to the general administration of the Tribunal.

(8) Subject to the directions of the Chairperson, the Registrar is authorized to sign in all letters and e-mail correspondences on behalf of the Tribunal.

Delegation:

The Chairperson may delegate any officer and assign all or some of the functions required to be exercised by the Registrar under the Rules and Regulations.

CHAPTER VII

8. Service of Process/Appearance of respondents and objections:

(1) Summons:

Whenever summons or notice is ordered by post, it may be served on the other side by registered post or courier. It may also be served through e-mail to the other side, if e-mail ID is furnished to the Tribunal. In the event of any application being filed, either by the appellant or by the respondent in a pending appeal, the respondent or his/her counsel in the said application should be duly served with the copy of the affidavit and petition prior to the filing of the application.

(2) Procedure for issuing fresh notice:

If any notice is returned unserved in the circumstances not specified in the Rules or Regulations that fact and the reasons thereof shall be notified immediately on the Notice Board of the Registry. The applicant or petitioner or his/her authorized representative shall, within 7 days from the date of such notification, take steps to serve the notice afresh.

(3) Failure to take steps for issuance of fresh notice:

Where a summon issued to the other side is returned as unserved and the appellant or petitioner, as the case may be, fails to take necessary steps within the period as ordered by the Tribunal from the date of return of the notice on the respondent, the case shall be posted for dismissal for non- prosecution.

(4) Entries regarding service of notice or process:

The Section Officer of the Tribunal shall record, in the notice paper, the details regarding completion of service of notice on the respondent such as the date of issue of notice, date of service, date of return of notice, if unserved, steps taken for issuing fresh notice and date of completion of service. The notice paper, acknowledgment card, returned cover and all other related papers should be kept in the bundle separately.

(5) Default of appearance of respondent and consequences:

Where the respondent, despite effective service of summons or notice on him/her, does not appear on the date fixed for hearing, the Tribunal may proceed to hear the appeal or application or petition ex-parte and pass final order, on merits.

(6) Filing of objections by respondent: The respondent, if so directed, shall file objections or counter within 7 days from the date of receipt of notice in the case of Tamil Nadu and Union Territory of Puducherry and 15 days, in the case of Union Territory of Andaman and Nicobar Islands.

(7) The respondent, if permitted to file objections or counter in any proceeding, shall also file three copies thereof serving copies of the same on the appellant or petitioner or their counsel on record or their authorized representative, as the case may be.

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(8) During the hearing of the appeal, after the parties were given sufficient opportunities, if either appellant or the respondent does not appear or represent through their counsel or the authorized representative, then the appeal may be disposed of on merits, after hearing the available parties or their counsel or the authorized representative based on the available records.

(9) If an appeal is filed as against the order passed by the Bench of the Tamil Nadu Real Estate Regulatory Authority or by the Adjudicating Officer or by the Single Member, the Registry of the Tribunal shall call for the original records from the Tamil Nadu Real Estate Regulatory Authority and maintain a register to that effect, mentioning the description of the documents received from the Authority. The Registry shall also issue acknowledgment to the Tamil Nadu Real Estate Regulatory Authority for the receipt of the original documents. After the disposal of the appeal, the original documents received from the Tamil Nadu Real Estate Regulatory Authority shall be returned to the Authority with due acknowledgment. The Registry shall also record the same in the register maintained in this regard.

CHAPTER VIII

9. Coram of the Tribunal:

(i) When the Chairperson and the other two Members, *viz*., Judicial Member and Technical or Administrative Member are available, the Chairperson shall preside over the Bench. In the absence of any one of the Members, the Chairperson shall preside over the Bench.

(ii) In the absence of the Chairperson, the Judicial Member shall preside over the Bench sitting with the Technical or Administrative Member.

CHAPTER IX

10. Hearing of Appeal:

(1) Provided that the Tribunal shall not rest its decision on any other ground other than those specified, unless the party who may be affected thereby has been given an opportunity of hearing.

(2) The Tribunal may, on such terms as it may think fit and at any stage, adjourn the hearing of the appeal, but not more than two adjournments shall ordinarily be given.

(3) In the case of appeal being dismissed at the admission stage itself, the copy of the order shall be sent to the respondent by the Registry.

CHAPTER X

11. Calendar, Holidays, Working Hours, Bench Sitting days and timing:

(A)

(1) The Tribunal shall follow the calendar of the High Court of Madras in respect of Summer Vacation, Dussehra Holidays, Christmas Holidays and other holidays.

(2) The Tribunal shall follow the Government Order/Notifications in respect of un-scheduled holidays under unforeseen circumstances.

(3) In the case of emergency/exigency, the Chairperson may declare holiday for the Tribunal.

(4) The sitting days and time of sitting of the Tribunal shall be decided by the Chairperson, considering the number of appeals pending and also the convenience of the Advocates.

(5) The sitting of the Tribunal shall be at Chennai or such other places within its jurisdiction as may be decided by the Chairperson.

(6)The Office of the Tribunal shall remain open on all working days from 10:00 A.M. to 05:45 P.M.

(7) The filing counter of the Registry shall be open on all working days from 10:00 A.M. to 04:00 P.M.

(8) In the absence of the Chairperson, the Judicial Member along with the Technical or Administrative Member can conduct the judicial proceedings of the Tribunal.

(B) Vacation Sitting:

(1) During the Summer Vacation, Dussehra Holidays and Christmas Holidays, if need be, a Vacation Bench may be constituted by the Chairperson. Such Vacation Bench shall be sitting once in a week.

(2) When the Tribunal is closed for vacation, the Vacation Bench shall sit on such days, as may be specified by the Chairperson.

(3) During vacation, only the matters which are required to be immediately or urgently dealt with, shall be received in the Registry and the Registrar, on being satisfied about the urgency, shall order registration and posting of such cases.

CHAPTER XI

12. Maintenance of Registers and Records:

The following Registers shall be maintained and necessary entries shall be posted on day-to-day basis by an official, as the Registrar may nominate, subject to any order of the Chairperson:

(1) Register of Appeals:

(a) An appeal register shall be kept by the Court Officer and it shall be written legibly. The diary in the main file shall contain a concise history of the appeal or application, the substance of the orders passed thereon and it shall contain the complete record of all the proceedings and shall be checked by the Registrar and initialed once in a fortnight.

(b) Register of Miscellaneous Applications.

(c) Register of un-numbered Appeals or Applications (SR Register)

(d) Register of Caveats lodged.

(e) Register of Review Petitions.

(2) Contents of File:

The file shall be kept in the following order and it shall be maintained as material record till ordered to be destroyed under the Regulations:

(a) Index.

(b) Order Sheet.

(c) Order.

(d) Memo of appeal, together with any schedule annexed thereto.

(e) Counter or reply or objection, if any.

(f) Copy of documentary evidence as produced before the Authority.

(g) Brief notes of the case.

13. Destruction of Record:

(1) Record of the Appellate Tribunal, except material record, shall be ordered to be destroyed by the Registrar after three years from the final conclusion of the proceedings of the Tribunal and if any appeal is filed, the same shall be destroyed after 2 years from the date of disposal of such appeals.

(2) All material records shall also be destroyed after 5 years from the final conclusion of the proceedings or 2 years from the date of disposal of appeals.

(3) The destruction of such record shall be effected in the manner to render it unfit for reuse.

(4) The destroyed record may be disposed of by following the prescribed Government Procedure and the proceeds shall be credited into the prescribed Current Account of the Tribunal.

(5) **Entry regarding destruction:** Entries regarding destruction shall be made in the relevant columns of the destruction register.

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CHAPTER XII

14. Appearance before the Tribunal:

(1) The party, who has engaged a legal practitioner to appear for him/her before the Tribunal, shall not be entitled to be heard in person, unless permitted by the Tribunal.

(2) Dress Code:

(a) While appearing before the Tribunal, the Advocate shall wear the same professional dress as prescribed for appearance before a Court. The wearing of gown is optional.

(b) The party, who is appearing in person, shall wear decent formal dress.

(3) Where other legal representatives like Chartered Accountant, etc and if they have been prescribed a dress for appearing in their professional capacity before any Court, Tribunal or Appellate Tribunal or such other Authority, they may, at their option, appear in that dress.

(4) All other persons appearing before the Appellate Tribunal shall be properly dressed.

(5) In the Court Hall or in any hearing before the Tribunal, no cell phone or other electronic gadgets shall be used or operated.

CHAPTER XIII

15. Discovery, Production and Return of Documents:

(1) Suo motu summoning of documents:

Notwithstanding anything contained in these Rules, the Tribunal may, suo motu, issue summons/notices for the production of public documents or other documents in the custody of any Court or Public Officer or any other party.

(2) Return of documents:

(a) An application for return of the documents produced shall be numbered. No such application shall be entertained after the destruction of the records.

(b) The Tribunal, may, at any time, direct return of the documents produced, subject to such conditions as it deems fit.

CHAPTER XIV

16. Pronouncement of orders:

(1) **Order**: The final decision of the Tribunal on an appeal before the Tribunal shall be described as Order.

(2) **Pronouncement of order:** When an appeal/application is reserved for orders, the date for pronouncement of order shall be notified in the cause list which shall be a valid notice of intimation of pronouncement.

(3) Reading of the operative portion of the order in the open Court shall be deemed to be pronouncement of the order.

(4) Any order reserved by a Circuit Bench of the Tribunal may also be pronounced at the Principal place of sitting of the Bench in one of the aforesaid modes as exigencies of the situation require.

(5) When an order is pronounced, the Court Officer shall make a note in the order sheet and make necessary endorsement on the case file regarding the date of such pronouncement, the nature of disposal and the constitution of the Tribunal pronouncing the order and he/she shall also make necessary entries in the Court diary maintained by him/her.

(6) The order shall bear the names of the Chairperson and Members following the seniority as mentioned below:

(i) The name of the Hon'ble Chairperson.

(ii) The name of the Judicial Member.

(iii) The name of the Technical or Administrative Member.

(7) Members constituting the Bench shall affix their signature in the order of their seniority.

(8) The orders pronounced shall be uploaded in the official website of the Tribunal.

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(9) After communication of the order to the parties or legal representatives, the official concerned shall arrange the records with pagination and prepare the Index Sheet. He/she shall affix initial and the Registry shall keep the records in the safe custody in the record room.

(10) Award of costs in the proceedings:

(a) The Tribunal may, in suitable cases, direct the appellant or respondent to bear the cost of litigation of the other side and in the case of abuse of process of Court, impose exemplary costs on the defaulting party.

(b) The cost, so awarded by the Tribunal, shall be credited into the prescribed Current Account of the Tribunal.

CHAPTER XV

17. Certified Copy / copies of order:

(1) The Tribunal shall, on such terms and conditions as the Tribunal considers appropriate, provide for supply of certified copies of documents and papers available with the Tribunal to any person, applying in the prescribed Form, appended (FORM) on payment of fee of Rs.100/- per copy of the order containing upto a maximum of 10 pages and thereafter, Rs.5/- shall be paid for every additional page. Payment shall be directly remitted to the prescribed Bank Account of the Tribunal. -

(2) The parties to the appeal are entitled to get one free copy of the order from the Tribunal, either by post or in person. Additional copies, if required by the parties to the appeal, shall be provided on payment of fee as stipulated supra.

(3) The Tribunal shall designate an Officer for ensuring timely response for the issuance of the certified copies of the documents, who shall endeavour to dispatch the certified copies of the documents, as expeditiously as possible, within a period of 30 working days from the date of receipt of the copy application.

CHAPTER XVI

18. Orders of High Court:

High Court Appeal Register:

(1) A Register shall be maintained with regard to the Appeals against the orders of the Tribunal to the High Court or Supreme Court and necessary entries therein be promptly made by the Registry.

(2) The Register shall be placed for scrutiny before the Chairperson in the first week of every month.

(3) Whenever an interim or final order passed by the High Court or Supreme Court in an appeal or other proceeding preferred against a decision of the Tribunal is received, the same shall be placed before the Chairperson/ Members for information, forthwith and kept in the relevant case file. Immediate attention of the Registrar shall be drawn to the directions requiring compliance.

(4) It shall be the duty of the Registrar to take expeditious steps to comply with the directions of the High Court or Supreme Court.

CHAPTER XVII

19. Removal of difficulties and issue of directions:

Notwithstanding anything contained in the Rules, wherever the Rules are silent or no provision is made, the Chairperson may issue appropriate directions to remove the difficulties and issue such orders or circulars to govern the situation or contingency that may arise in the working of the Tribunal.

CHAPTER XVIII

20. Confidentiality:

(1) The Tribunal shall appraise and determine whether any document or evidence provided by any party and claimed by that party to be confidential in nature and merits being withheld from disclosure to other parties as being confidential, shall provide brief reasons in writing for arriving at its conclusion.

(2) If the Tribunal is of the view that the claim for confidentiality is justified, the Tribunal may direct that the same be not provided to such parties as the Tribunal may deem fit. However, the party claiming the confidentiality shall provide a brief non-confidential summary of the substance of the documents found to be confidential and the import of the same.

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(3) Notwithstanding the above, it shall be open to the Tribunal to take into consideration the contents of the documents found to be confidential in arriving at its decision.

(4) The Tribunal may direct any person, either to appear for giving evidence or to produce any document or book of accounts and such document or evidence produced may be ordered to be kept in the safe custody of anyone of the Officers of the Tribunal.

CHAPTER XIX

21. General power to amend/rectify:

The Tribunal may, at any time and on such terms as to or otherwise, as it may think fit, remove any defect or error apparent on the face of the record in any proceedings before it (including any clerical or arithmetical error in any order passed by the Tribunal) either on an application filed by anyone of the aggrieved parties under Order 47 Rule 1 of the Code of Civil Procedure, 1908 within 30 days from the date of the order or suo motu by the Tribunal. The Tribunal shall not pass any order on the said application, if entertained without giving notice to the respondent or to the parties as the case may be; provided that if the Tribunal desires to make amendment or rectification in order to determine such issue, the Tribunal shall provide an opportunity to the parties affected by such amendment or rectification touching such issue to make representations and submissions with respect to the proposed amendment or rectification.

CHAPTER XX

22. Collection of information:

(1) The Tribunal may issue such directions to any person, Authority or Institution for the purpose of collection of any information, particulars or documents that the Tribunal considers necessary in connection with the discharge of its functions under the Act and the Rules.

(2) If any such report or information obtained appears to the Tribunal to be insufficient or inadequate, an Officer of the Tribunal may be authorized for further inquiry, report and for furnishing of information.

(3) If the report or information obtained in accordance with the Regulation any part thereof, is proposed to be relied upon by the Tribunal for forming its opinion or view in any proceedings, the parties to the appeal shall be given a reasonable opportunity for filing objections and making submissions on such report or information.

CHAPTER XXI

23. Saving of inherent power of the Tribunal:

(1) Nothing in the Regulations shall be deemed to limit or otherwise affect the inherent power of the Tribunal to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of process of the Tribunal.

(2) Nothing in the Regulations shall bar the Tribunal from adopting in conformity with the provisions of the Act or Rules, a procedure, which is at variance with any of the provisions of these Regulations including summary procedures, if the Tribunal in view of the special circumstance of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for so dealing with such a matter class of matters.

(3) Nothing in the Regulations shall bar the Tribunal to deal with any matter or exercise any power under the Act or Rules for which no Regulations have been framed and the Tribunal may deal with such matters, powers and functions in the manner it thinks fit.

CHAPTER XXII

24. Continuance of proceedings after the death of a party:

(1) Where in a proceeding, any of the party to the proceeding dies, the proceeding shall be continued and adjudicated with the successors-in-interest in the case of an individual or partnership firm as in the case of an insolvent; the official receiver or assignee as in the case of a Company under liquidation/winding up, the proceeding shall continue With the executor, administrator, liquidator or other legal representative of the party concerned, as the case may be.

(2) In the case of death of any party to the appeal, the application for bringing up the successors-in-interest shall be filed within 90 days, if not filed within 90 days, the appeal shall be treated as abated.

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CHAPTER XXIII

25. Extension or abridgement of time prescribed:

The time prescribed by the Regulations or by the order of the Tribunal for doing any act, may be extended (whether it has already expired or not) or abridged for sufficient reason by an order of the Tribunal subject to the provisions of the Act and the Rules.

CHAPTER XXIV

26. Administrative Charges and Standard Fees:

The Tribunal may, by order, fix standard fees to be levied on inspection of documents, certified copy of documents, etc.

CHAPTER XXV

27. Restrictions:

(1) Any member, in any matter, those relating to his/her immediate family, coming up for consideration before the Tribunal and he/she shall not take part in any deliberation or decision of the Tribunal with respect to that matter and shall recuse from the same.

For the purpose of this Regulation, immediate family shall include wife or husband or son or daughter (whether biological or adopted), parents, brothers or sisters or any person related to any of them by blood or marriage, whether they are dependent on such member or not.

(By order of Tamil Nadu Real Estate Appellate Tribunal)

Note: The words mentioned in singular in this Regulation shall also include plural.

Chennai-600 008,
19th January 2024.

CHAIRPERSON,
Tamil Nadu Real Estate Appellate Tribunal.

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