



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Eighteenth day of August Two Thousand Twenty One

WEB COPY

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MRS JUSTICE S.KANNAMMAL

CMP.NO.9027 OF 2021

IN CMSA.NO.54 OF 2021

CASAGRANDBUILDER PRIVATE LIMITED, [PETITIONER]
REP.BY ITS AUTHORISED SIGNATORY
MR.MOHAN RAJ, NEW NO.111,
OLD NO.59, NPL DEVI, L.B.ROAD,
THIRUVANMIYUR, CHENNAI 600 041.

Vs

M.RAMESH [RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the operation of the order passed in Appeal Number 45 of 2020 by the Learned Tamil Nadu Real Estate Appellate Tribunal (TNREAT), on 08.12.2020 which confirms the order passed in C.No.334/2019 dated 10.02.2020 on the file of Tamil Nadu Real Estate Regulatory Authority (TNRERA), Chennai (In CMP.NO.9027/2021) pending disposal of the Civil Miscellaneous Appeal filed by the Petitioner/Appellant.(In CMSA.NO.54/2021)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.L.V.GANESH, ADVOCATE for M/S.GANESH AND GANESH, Advocate for the petitioner and of MR.KEERTHIKIRAN MURALI, Advocate for M/S.K.VENKATESAN, ADVOCATE for the Respondent, the court made the following order:-

[Order of the Court was made by *M.M.SUNDRESH, J.*]

Learned counsel appearing for the petitioner submitted that imposing penalty which has to exercised rarely has been adapted in a casual way. Before imposing the penalty, there must be a finding based upon undisputed facts and the amount fixed has got no rationale behind it. In any case, the petitioner has deposited 50% of penalty amount while filing the appeal.



2. Learned counsel appearing for the respondent submitted that the appeal itself may be taken up for hearing.

3. Inasmuch as the issues of fact and law are to be decided in the appeal coupled with the fact that the petitioner has already deposited 50% of the penalty amount imposed, we are inclined to grant stay pending disposal of the appeal. Accordingly, interim stay is granted pending disposal of the appeal and this miscellaneous petition stands disposed of.

-sd/-
18/08/2021
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE TAMIL NADU REAL ESTATE
APPELLATE TRIBUNAL, CHENNAI.

2 THE TAMIL NADU REAL ESTATE
REGULATORY AUTHORITY, CHENNAI.

+2 C.C. to M/S.GANESH AND GANESH, Advocate SR.NO.4679/2021

Order
in
CMP.NO.9027/2021

IN CMSA.NO.54/2021

Date :18/08/2021

From 26.2.2001 the Registry is issuing certified
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PM (26/08/2021)