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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.M.S.A.No.79 of 2021
and
C.M.P.No.19257 of 2021

IVR Hotels and Resorts Private Ltd.,
Represented by its Director,
Mr.E.C.Theodore Solomon,
No.30A, III Floor, South Phase,
Thiru Vi.Ka Industrial Estate,
Guindy, Chennai 600 032.

.. Appellant / Respondent / Respondent

Vs.

1. Dr.Vandana Parvez
2. Kotak Alternate Opportunitites (India) Fund,
27-BKC, 6th Floor, Plot No.C-27, G Block,
Bandra Kurla Complex,
Bandra (East) Mumbai 400 051.
3. Kotak India Realty Fund,
10th Floor, Standard Chartered Tower,
19, Cyber City, Ebene Mauritius.
4. Kotak Investment Advisors Limited,
27-BKC, 6th Floor, Plot No.C-27,
G Block, Bandra kurla Complex,
Bandra (East), Mumbai 400 051.
5. IVR Prime Urban Developers Ltd.,
M22/3T, Vijaynagar Colony,
Hyderabad, Andhra Pradesh - 500 057.
6. Soma Hotels and Resorts Ltd.,
M22/3T, Vijaynagar Colony,
Hyderabad, Andhra Pradesh - 500 057.
7. E.Sudhir Reddy,



8. E.Sunil Reddy

9. E. Ella Reddy

10.M.Mahesh

11.Subhangi Kulkarni

.. Respondents / Respondents /
Respondents

Prayer: Original Side Appeal filed under Section 13 of the Commercial Courts Act, 2005 to set aside the order of the Tamil Nadu Real Estate Appellate Tribunal in Appeal No.03 of 2021 dated 27.09.2021 and restore the order of the Tamil Nadu Real Estate Regulatory Authority in C.No.336 of 2019 dated 21.11.2019.

For Appellant : Mr.Thriyambak J.Kannan

For Respondent

-1 : Dr.Vandana Parvez,
Party-in-Person
appeared through video -
conferencing

JUDGMENT

[delivered by PUSHPA SATHYANARAYANA, J.]

The Civil Miscellaneous Second Appeal is filed against the order dated 27.09.2021 passed by the Tamil Nadu Real Estate Appellate Tribunal in Appeal No.03 of 2021, reversing the order of the Tamil Nadu Real Estate Regulatory Authority in C.No.336 of 2019 dated 21.11.2019.

2. After hearing the learned counsel for the appellant and the first respondent, who appeared in person through video-conferencing, for a while, learned counsel for the appellant wanted to withdraw this Civil Miscellaneous second appeal, as the Appellate Tribunal, while allowing the Appeal No.03 of 2021 on 27.09.2021, has stated that the complaint of the first respondent is maintainable and also directed the Regulatory Authority to restore the complaint in C.No.336 of 2019 and dispose of the same on merits, after giving sufficient opportunity to both sides.

3. As the learned counsel for the appellant has agreed to go before the Regulatory Authority, he sought liberty to



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withdraw this appeal. He has also made an endorsement to that effect, which reads thus:-

"Appeal may be permitted to be withdrawn with liberty to approach this Hon'ble Court on appeal if required pursuant to the proceedings before the RERA Authorities"

4. In view of the submission made by the learned counsel for the appellant and the endorsement so made, the civil miscellaneous second appeal is dismissed as withdrawn. It is open to the parties to go before the Regulatory Authority, who will dispose of the complaint in C.No.336 of 2019 and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity of hearing to all the parties concerned. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

srn

To

1. The Tamil Nadu Real Estate
Appellate Tribunal (TNREA)
(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)
at Egmore, Chennai - 8.
2. The Tamil Nadu Real Estate
Regulatory Authority (TNRERA)
(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)
at Egmore, Chennai - 8.

C.M.S.A.No.79 of 2021
and
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