



**BEFORE THE TAMIL NADU REAL ESTATE  
REGULATORY AUTHORITY (TNRERA)  
(Tamil Nadu, Andaman & Nicobar Islands)  
at Egmore, Chennai – 600 008**

**[Under the Real Estate (Regulation and Development) Act, 2016]**

**I.A.No.48 of 2022 in C.No.105/2022**

**20<sup>th</sup> day of April, 2023**

**Coram : Thiru K. Gnanadesikan, I.A.S. (Retired), Chairperson  
Er. S. Manohar, Member  
Adv. V. Jeyakumar, Member**

M/s. VME Realty Pvt. Ltd.  
Rep. by its Managing Director  
Thiru V. Manickam

..... Petitioner/  
1<sup>st</sup> Respondent

Versus

1. VME Lakeside Owners Welfare Association  
Represented by its Secretary  
Thiru S. Karthikesan

..... 1<sup>st</sup> Respondent/  
Complainant

2. M/s. Stanza Living  
Rep. by its Nodal Officer

..... 2<sup>nd</sup> Respondent/  
2<sup>nd</sup> Respondent

3. Thiru M.Kartick  
S/o V.Manickam

..... Proposed 3<sup>rd</sup>  
Respondent

The above Interlocutory Application came up for final hearing before this Authority in the presence of M/s.Aiyar and Dolia – Counsel for the 1<sup>st</sup> Respondent and of M/s. K.Kulandaivelu – Counsel for the Complainant Association and of M/s.R.Swarnavel – Counsel for 2<sup>nd</sup> Respondent. The Authority passes the following order:

## **ORDER**

The First Respondent Promoter represented by its Managing Director Thiru V.Manickam has filed the Interim Application No.48 of 2022 in Complaint No.105 of 2022 stating that from the date of inception of M/s.VME Realty Private Limited, Mr. M.Kartick one of the Directors was looking after the day-to-day affairs of the 1<sup>st</sup> Respondent Promoter Company and having control in entirety and is not allowing them to enter the office premises. The entire records relating to the 1<sup>st</sup> Respondent Promoter M/s.VME Lakeside Property is under the custody of Mr.M.Kartick. Therefore, they are not in a position to file detailed counter Affidavit in this Complaint.

2. The First Respondent Promoter has further stated that Mr.M.Kartick was handling the bank accounts and collecting the charges from the flat owners and he is having the details about the same. Therefore, Mr.M.Kartick is a necessary party for effective adjudication of the Complaint No.105 of 2022 and accordingly he has prayed that the Authority may be pleased to implead Mr.M.Kartick, Director of the 1<sup>st</sup> Respondent Promoter Company as 3<sup>rd</sup> Respondent in this Complaint.

3. In the Counter Affidavit, the Complainant Association has submitted that the proposed 3<sup>rd</sup> Respondent is not a necessary party to this Complaint since it is an admitted fact that the Petitioner Company had constructed the apartments and that Mr.V.Manickam continues to be the Managing Director of this Company. It is also admitted that the proposed party to be impleaded is also the Director of the same Company. By virtue of the provisions of the Companies Act, when a company is a party, it is

always open for its directors or such person so authorized to appear on behalf of the Company.

4. This Authority has examined the Interlocutory Application and the Counter Affidavit filed by the Complainant Association carefully.

5. The Respondent Promoter is a Company incorporated under Companies Act and therefore it is a legal entity on its own.

6. Therefore, the Managing Director of this Petitioner Company Mr. V.Manickam is supposed to be in knowhow of things and responsible for the affairs of the Company.

7. As the Petitioner Company is a distinct legal entity which can sue or be sued against, the question of impleading a Director of the Company does not arise and accordingly this Interlocutory Application No.48 of 2022 is dismissed as devoid of merits.

Sd/-...20.04.2023  
MEMBER (M), TNRERA

Sd/-...20.04.2023  
MEMBER (J), TNRERA

Sd/-...20.04.2023  
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

  
ADMINISTRATIVE OFFICER

  
20.4.23