

BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL
(TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

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

Reserved on: 17.06.2026

Delivered on: 24.06.2026

Coram : Hon'ble Mr.Justice M.Duraiswamy, Chairperson
Mr.K.Babu, Judicial Member
Selvi Apoorva, I.A.S. (Retd.) Administrative Member

Appeal No.41 of 2026
and
M.A.No.109 of 2026

Sabarinath.K.N.
Vice President
M/s.Sobha Limited
(formerly Sobha Developers Limited)

... Appellant

Vs.

1. Sobha Westhill Owners Association,
rep. by its President, Arjun Subramanian
2. M/s.Sobha Limited
(formerly Sobha Developers Limited)
rep. by its Managing Director
3. Jagadish Nangineni
Managing Director, M/s.Sobha Limited
4. Ravi PNC Menon
Chairman, M/s.Sobha Limited
(formerly Sobha Developers Limited)

... Respondents

Appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to (i) set aside the order dated 25.02.2026 passed by the Tamil Nadu Real Estate Regulatory Authority in I.A.No.75 of 2025 in C.No.21 of

2025 and (b) allow the Interlocutory Application in I.A.No.75 of 2025 and direct that name of the appellant/4th respondent (Mr.Sabarinath K.N.) be struck off from the array of parties in C.No.21 of 2025.

For Appellant : Mr.G.Vivekanand

ORDER

Challenging the order passed in I.A.No.75 of 2025 in C.No.21 of 2025 dated 25.02.2026 on the file of the TNRERA dismissing the I.A.No.75 of 2025, the applicant/4th respondent has filed the above appeal.

The brief facts that are relevant for the disposal of the above appeal are as follows:

2. The appellant is the Vice President of the 2nd respondent Company. The appellant filed an application in I.A.No.75 of 2025 to strike off his name from the array of parties alleging he has been wrongly impleaded in the complaint on the ground that the top Officers of the Company cannot be personally impleaded or held liable for the acts of the Company unless specific personal wrongdoing or malafide intention is pleaded, which is absent in the complaint. If at all, the complaint can be maintained only against the 2nd respondent Company and impleading the appellant in the complaint is unnecessary. The said application in I.A.No.75 of 2025 to strike off the name of the appellant in the complaint was dismissed by the TNRERA.

3. According to the learned counsel appearing for the appellant, the appellant is the Vice President of the 2nd respondent Company. The 1st respondent

is the President of the “Sobha Westhill Owners Association”, who filed the complaint in C.No.21 of 2025 against the 2nd respondent Company, appellant and other respondents claiming various reliefs relating to common amenities such as to construct new bore wells, underground water tank, RO plant and over-head tank in the common area and to provide approved layout obtained from the Corporation of Coimbatore and providing the proof of payments of license fee, statutory charges paid to the Corporation and to transfer the ownership of Sewage Treatment Plant and Diesel Generator Yard constructed in Plot 12 by the respondents and to direct the respondents to construct Association Office and ensure Corpus transfer to the complainant Association.

4. The learned counsel appearing for the appellant further contended that the appellant has been arrayed as 4th respondent in his Official capacity as Vice President and it is settled law that the Officers of a Company cannot be personally impleaded or held liable for the acts of the Company unless specific personal wrongdoing or malafide intention is pleaded. The appellant filed the I.A.No.75 of 2025 to strike off his name from the complaint on the ground that the complaint is primarily against the 2nd respondent and the Officers of the 2nd respondent Company cannot be held liable simply on account of their employment with the 2nd respondent, but, the same was dismissed by the TNRERA. Aggrieved over the said order which is not in accordance with law, the present appeal has been preferred and the appeal is to be allowed.

5. Heard the learned counsel appearing for the appellant/4th respondent in the complaint.

6. Perused the materials available on record.

7. The 1st respondent in this appeal is the President of Sobha Westhill Owners Association”, the 2nd respondent M/s.Sobha Limited (formerly Sobha Developers Limited) is the Company; 3rd respondent is the Managing Director of the 2nd respondent Company and the 4th respondent in this appeal, who is the 3rd respondent in the complaint, is the Chairman of the 2nd respondent Company.

8. The 1st respondent/complainant, who is the President of the “Sobha Westhills Owners Association” filed the complaint against the appellant and the other respondents for the following reliefs in the complaint in C.No.21 of 2025: (i) construct borewells and common facilities; (ii) provide approved layout plans; (iii) pay up-to date license fees; (iv) transfer ownership of a Sewage Treatment Plant; and (v) construct an Association office and collect maintenance dues.

9. In the said complaint, the appellant had been arrayed as 4th respondent and the appellant filed an application in I.A.No.75 of 2025 to strike off his name from the complaint on the ground that the appellant cannot be arrayed as a party in the Official capacity and the Officers of a Company cannot be personally impleaded or held liable for the acts of the Company, unless, specific personal wrongdoing or malafide intention is pleaded.

10. The main contention raised by the learned counsel appearing for the appellant is that the appellant cannot be impleaded in his individual capacity or

held liable for the acts of the Company. But, the appellant, holding the position of the Vice President of the 2nd respondent Company, had acted as an Authorized Signatory of the 2nd respondent Company. The appellant had issued replies to the statutory notices and the specific allegations are made against the appellant regarding representations made to the allottees and his involvement in decisions relating to construction of common amenities. The complaint made by the 1st respondent alleges prejudice and risk caused to the complainant Association due to acts and omissions attributed by the appellant along with other respondents.

11. Further, in the counter filed in I.A.No.75 of 2025 in C.No.21 of 2025 by the 1st respondent, it has been stated that while deciding the maintainability of C.No.21 of 2025 in S.R.No.93 of 2025, the TNRERA had decided that the 4th respondent is a necessary party to the proceedings and the same was also discussed by the TNRERA in para 14 of the impugned order.

12. That apart, the other respondents viz., the Managing Director and Chairman of the 2nd respondent Company “Sobha Limited” (formerly Sobha Developers Limited) have not taken any such plea to strike off their names, though they have been arrayed in their individual capacity.

13. Moreover, the 1st respondent filed the counter in the I.A.No.75 of 2025 wherein it has been specifically stated that the respondents failed to provide approved plans and layout plans with specification to the members of the 1st respondent Association as per Section 11(3) and 12 of the Real Estate (Regulation and Development) Act, 2016. In such circumstances, “Sobha Westhills Owners

Association” and its office bearers were arrayed as party to the proceedings. Further, the question of the appellant’s liability cannot be decided at the threshold stage in the Interlocutory Application. The involvement and the liability of the appellant can be decided only after letting in evidence before the Authority.

14. Hence, a perusal of the pleadings in the present case would show that the appellant holding the position of the Vice President in the 2nd respondent Company, had acted as an Authorized Signatory of the 2nd respondent Company. In such circumstances, the contention of the learned counsel appearing for the appellant that the appellant cannot be arrayed as a party in his Official capacity cannot be accepted. When the 1st respondent had specifically stated in the counter that the appellant and the other respondents have violated the provisions of Section 11(3) and 12 of the Real Estate (Regulation and Development) Act, 2016 by not providing the approved plans and layout plans with specifications to the members of the 1st respondent Association and also the terms of Construction Agreement and that the respondents constructed the common amenities meant for the exclusive usage of the allottees in the lands gifted to the Corporation of Coimbatore. Therefore, the contention of the learned counsel appearing for the appellant that there were no specific pleadings against the appellant in the complaint and hence the name of the appellant should be struck off from the complaint, cannot be accepted.

15. Hence, the claim of the appellant that he is not a necessary party and he has been arrayed in the complaint wrongly is not sustainable.

16. The TNRERA, after taking into consideration all these aspects, rightly dismissed the application in I.A.No.75 of 2025. We do not find any error or irregularity in the order passed by the TNRERA. However, we make it clear that the 4th respondent is at liberty to raise the issue with regard to the misjoinder in the main complaint in C.No.21 of 2025. The appeal is liable to be dismissed. Accordingly, the same is dismissed. Consequently, the connected Miscellaneous Application is closed.

Sd/- xxxx
JUSTICE M.DURAI SWAMY
CHAIRPERSON
24.06.2026

Sd/- xxxx
K.BABU
JUDICIAL MEMBER
24.06.2026

Sd/- xxxx
SELVI APOORVA, I.A.S. (RETD.)
ADMINISTRATIVE MEMBER
24.06.2026

Copy to

1. The TNRERA
2. Sobha Westhill Owners Association,
rep. by its President,
Arjun Subramanian
Sobha Westhill, Harishree Garden,
Vedapatti, Sundapalayam P.O.,
Coimbatore - 641 007.

3. M/s.Sobha Limited
(formerly Sobha Developers Limited)
rep. by its Managing Director,
Sarijapur - Marthahalli Outer Ring Road,
Bellandur Post,
Bangalore - 560 103.
4. Jagadish Nangineni
Managing Director, M/s.Sobha Limited
Sarijapur - Marthahalli Outer Ring Road,
Bellandur Post,
Bangalore - 560 103.
5. Ravi PNC Menon
Chairman, M/s.Sobha Limited
(formerly Sobha Developers Limited)
Sarijapur - Marthahalli Outer Ring Road,
Bellandur Post,
Bangalore - 560 103.