



DECISION NOTICE OF SHERIFF PINO DI EMIDIO

on an appeal by Mr Pradip Sutare

against a decision of First-Tier Tribunal For Scotland

in the case of

MR PRADIP SUTARE, 372 Colinton Main Road, Edinburgh, EH13 9BS

Appellant

and

(FIRST) MR RAMESH GOLKONDA, 19 Craigmount Brae, Midlothian, EH12 8XD

and

(SECOND) FIRST-TIER TRIBUNAL FOR SCOTLAND HOUSING AND PROPERTY
CHAMBER, Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT

Respondents

FTT Case Reference FTS/HPC/CV/18/1997

27 June 2019

Order

The Upper Tribunal, having considered the parties' written submissions on the appeal,
Quashes the decision of the First-tier Tribunal for Scotland dated 31 January 2019 and
Remits to the First-tier Tribunal for Scotland to proceed as accords before a differently
constituted panel.

Reasons for Decision

Introduction

[1] In a written decision dated 9 April 2019 but intimated to parties on 11 April 2019 I granted the appellant permission to appeal to the Upper Tribunal for Scotland (“UTS”) in respect of three Grounds of Appeal which were listed as numbers 2, 3 and 4 in that decision. Permission was granted to appeal against a decision of the First-tier Tribunal for Scotland (“FTS”) dated 31 January 2019 under case reference FTS/HPC/CV/18/1997 making an order for payment by the appellant to the respondent of the sum of £5,760.00. There is a separate appeal by the appellant under reference number UTS/AP/19/0004 in which he has been granted permission to appeal against a further decision of the FTS also dated 31 January 2019 under case reference FTS/HPC/EV/18/1995 making an order for possession of property at 372 Colinton Mains Road Edinburgh EH13 9BS. These cases were heard together before the FTS and the UTS.

[2] For the reasons set out in my Decision determining the appeal in case number UTS/AP/19/0004 which is also being issued today, this appeal has also been successful.