



**BEFORE THE  
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY  
CHENNAI**

**COMPLAINT NO.142/2017**

Rajendran Chingaravelu ... Complainant

Versus

M/s. Unitech Limited ... Respondent

Coram : Thiru S. Krishnan, I.A.S.  
Principal Secretary to Government  
Housing & Urban Development Dept and  
Real Estate Regulatory Authority

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**FINAL ORDER**

Thiru Rajendran Chingaravelu has filed a complaint under Section 31 of the Act against M/s. Unitech Limited for refund of the money paid to the Promoter along with interest from the booking date. Further, he prayed that the Respondent shall not sell any more properties from this project until all approvals are in place and verified.

2. The complainant has booked a villa on 6<sup>th</sup> April 2015 in the Project "Palm Villas", Nallambakkam Village, Chengalpet Taluk, Kancheepuram District after paying Rs.70,05,345/-, out of total consideration of Rs.83.1 Lakhs. The complainant has also signed an agreement in the year 2015. The complainant has stated that the Respondent has not handed over any documents concerned with this project for legal verification even after the repeated reminders but only given a CD with some documents.

2. On issue of a Notice to the Respondent, the Respondent has given a reply stating that the complainant has booked a villa No.71 in the "Palm Villa" project on 06.04.2015 and entered into two agreements on 30.06.2015 viz., (a)

agreement for sale of UDS and (b) agreement for construction of row house apartment. The Respondent further stated that he has obtained approval from the competent Authority i.e. DTCP vide Na.Ka.No.22019/2009/CP, dated 08.12.2009. The Respondent has further stated that he has executed a gift deed on 28.01.2010 and registered as Document No.455/2010 in favour of Nallambakkam Panchayat, Kattankulathur Union. The Respondent has further stated that the allotment order was issued on 06.04.2015 for a total consideration of Rs.88,52,640/- and his Unit No. is 0071 with Super Area of 1910 sq.ft. and allotted UDS of land 2578.10 sq.ft. The complainant has paid only Rs.61,50,000/- (with tax) and the balance amount of Rs.29,39,258/- (without tax and delayed interest) has not paid by him. The Respondent has further contended that as per the agreed terms and conditions of the agreement, the sale of UDS could be executed only after receiving the entire consideration for the unit from the allottee and further stated that the complainant has also received the entire documents of the project by way of Pen Drive from the Respondent. The Respondent is ready to hand over the Villa to the complainant after receiving the due payment along with taxes and delayed interest as per the agreement.

4. During hearing, the complainant has argued that in W.P.No.16234 of 2016, the Hon'ble High Court has passed an order with the direction to the Respondent i.e. CTCP to dispose the complainant's petition dated 13.12.2015 and reminder dt.22.04.2016 on merits and in accordance with the law after providing an opportunity to the petitioner and the 4<sup>th</sup> Respondent within a period of 12 weeks from the date of receipt of the Court order.

5. In compliance of the Hon'ble High Court's order, an hearing was conducted by the Commissioner of Town & Country Planning on 19.06.2018 in the presence of the Petitioner, Respondent and the Dy. Director and Asst.

Director of Directorate of Town & Country Planning. The CTCP has passed orders stating that the rule does not require gifting of internal roads in a group development and further stated that the OSR gifting has been done as per the rule. Regarding the renewal, the Regional Dy. Director of Chengalpattu Region has been directed to issue stop work notice till renewal permission is obtained. Accordingly, the CTCP has complied with the orders of the Hon'ble High Court passed in W.P.No.16234/2016. The Proceedings of the hearing has been sent to the complainant and the Respondent. The Dy. Director, Chengalpattu Region in his email ddcglregion@gmail.com addressed to the Respondent instructed to stop the work and commence the work after obtaining Building Permit from the Local Body. A copy of the mail is sent to the complainant

6. As far as the planning permission is concerned, the CTCP in Letter No.22019/2019/CP, dt.08.12.2009 has given technical clearance followed by planning permission issued by Dy. Director, Chengalpet Region, Town &Country Planning Dept. in Letter No.3839/2009/CR-7, dated 05.01.2010. The Respondent has also obtained building permit from the President, Nallambakkam First Grade Village Panchayat on 07.09.2011. The CTCP has issued planning permission under the provisions of the Town & Country Planning Act, 1971 and Building Permit by the Local Body under the Local Body Act.

7. The complainant is questioning the approval given by CTCP and prayed for cancellation of the agreement and order for refund with interest. This Authority has obtained report from the CTCP regarding issuance of planning permission and the CTCP has furnished a reply as stated in Para No.6. It is a group development for which planning permission obtained in the year 2009. The Respondent has taken a stand that the project is completed and more than 84 villas/units have already been handed over and the

complainant's villa is also ready for handing over subject to payment of the dues. This is not a registered project, since it has been completed prior to RERA as per the statement by the Respondent.

8. Hence, a direction is hereby given to the Respondent to hand over the flat as per the agreement executed and signed by both the parties. Regarding the other grievances of the complainants, the complainants may approach proper Forum for redressal of other grievances.

Therefore, as the flat booked by the complainant is not a part of any project registered with TNRERA, this Authority has no jurisdiction to entertain this complaint, and is liable to be dismissed.

Sd/-.....08.11.2018

Principal Secretary to Govt., H&UD Dept., and  
Real Estate Regulatory Authority

/TRUE COPY/FORWARDED/BY ORDER

  
GRIEVANCE OFFICER  
