



**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY
CHENNAI
COMPLAINT NO.007/2018**

Chippada Sivarama Krishna ... Complainant
Versus
M/s. Radiance Realty Developers India Ltd. ... Respondent

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

FINAL ORDER

The complainant has filed under Section 31 of the Act against the Respondent for refund of entire pre EMI, down payment interest and penalties. The complainant has booked an Apartment No.03 with 1849 sq.ft. in the 4th floor, Block D of Tower No.II (Radiance Mandarin Project) in S.No.87/1B1A and 86/1B of Okkiyam Thoraipakkam Village, Chennai within the limit of Greater Chennai Corporation. The Respondent has failed to deliver the possession of the flat on the agreed date.

The Respondent stated that the project was commenced on July 2013 and the construction was completed on March 2017. Further he has applied for completion certificate in CMDA on 31.05.2017 and the same was pending consideration. He has further informed that he has obtained completion certificate from CMDA in Letter No.EC/S-II/7554/2017, dated 29.05.2018. The

Respondent has taken a stand that Section 3 (1) of the Real Estate (Regulation & Development) Act, 2016 read with clause 2 (h) (ii) of the Tamil Nadu Real Estate (Regulation & Development) Rules, 2017 specifically excludes the projects for which completion certificate is pending as on the date of commencement of the Real Estate (Regulation & Development) Act, 2016. He has further stated that he has started handing over of the apartments to the respective purchasers. Hence, the project did not have to be registered with RERA under the transitional provisions as they stand.

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/-.....25.06.2018
Principal Secretary to Govt., H&UD Dept., and
Real Estate Regulatory Authority

/TRUE COPY/FORWARDED/BY ORDER


GRIEVANCE OFFICER