



**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]

C.Nos.273 to 279, 284, 289, 297, 298, 305/2019 & 346/2019

21st day of January, 2021

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

Tvl. J.Srinivas and 12 Others ... Complainants

Versus

M/s. Akshaya Private Limited ... Respondent

These Complaints came up for final hearing before the Authority in the presence of the Complainants having appeared as party in person and of M/s. Mani Sundargopal, T.Sathiyamoorthy, A.Umapathy, Akshayaa Benjamin – Counsel for the Respondent and upon hearing the arguments of both the parties, this Authority pass the following order:

FINAL ORDER

The Complainants have filed complaints regarding the delay in handing over of the flats by the Respondent Promoter. The Complainants have prayed that the flats allotted to them may be handed over possession with all agreed amenities without further delay.

2. The Respondent Promoter in the Counter Affidavit has stated that the Project "Republic" was launched in August, 2013 and it consists of 455 apartments comprised of 4 blocks.

3. The Respondent Promoter has further stated that 100% structural work has been completed and the project has been granted exemption from registration and the same is reflected in the CMDA website as early as on 22.06.2017.

4. The Respondent Promoter has also submitted that the apartments could not be delivered on the due date due to several factors beyond the control of the Respondent such as scarcity of sand and the 2015 floods, etc.

5. The Authority directed the Respondent Promoter to submit an Affidavit regarding the status of the common amenities pending and the plan of action to complete the same.

6. The Respondent Promoter has filed an Affidavit in this regard stating that the electricity connection application has been submitted and the land has been gifted to TANGEDCO for establishing Transformer Yard / Sub-Station for meeting the power requirements of the residents in the project. The Respondent has also given the present status and the timeline for completion of the common amenities as below:

Sl. No.	Pending Amenities	Present Status	Timeline for Completion
1	Lighting in Apartment Complex	The Corridor & stilt floor lighting in Blocks E, C1, C2 & D1 are completed. Stilt floor lighting work in Tower D2 & Boundary area street light works are under progress.	15.10.2020
2	Club House with Terrace Garden	All civil works & painting work in club house are completed. Gym equipments had arrived. Hardscape work in progress	30.11.2020
3	Indoor games, AV Room, multipurpose Hall	Civil works completed. Interior work in progress	30.11.2020
4	Separate rest room/change room for staff and drivers	Completed in Tower E & D1, work in progress in Towers C1, C2 & D2	30.10.2020
5	WTP, STP	Civil works completed. STP equipment had arrived and water proofing work in progress, water proofing work completed for WTP, equipment in transit	31.12.2020
6	Walk way, Bicycle way	GSP laying work completed. Surface leveling work and paver laying works in progress	15.10.2020
7	Garden theatre with stage	Civil works completed and seaters work completed. Landscaping work in progress	15.10.2020
8	Swimming Pool	Swimming pool and change room civil works completed. Irrigation work, external landscaping work in progress	31.10.2020
9	Completion of play area between C1 & C2, D1 & D2 blocks	Level formation work completed. Hardscape work in progress	30.11.2020
10	Open car park allotment	Paver laying work in open car parking area completed. Car park marking completed in rear side of Block E. Car park marking to be completed in Blocks C & D	31.10.2020

7. The Authority has examined the Complaints, the Counter Affidavit and the Affidavit filed by the Respondent Promoter regarding the present status of the common amenities and the timeline for completing them, carefully.

8. It is seen from the Affidavit regarding the common amenities that the Club House would be completed by 30.11.2020, the Water Treatment Plant and the Sewerage Treatment Plant would be completed by 31.12.2020.

9. The Hon'ble Tamil Nadu Real Estate Appellate Tribunal has held in several orders that the flat should be in a habitable condition to signify completion of the project and mere structural completion will not make the flat habitable. The crucial date to determine whether a Real Estate Project is completed or an ongoing project is the date of commencement of Section-3 of the Act which is 01.05.2017.

10. It is clear in respect of this Real Estate Project that this project was not completed in all respects including common amenities as on 01.05.2017. Therefore, this Authority determines that this Real Estate Project is an ongoing project as on 01.05.2017 and has to be registered with this Authority.

- Therefore, this Authority directs the Respondent Promoter to register this project with this Authority before 28.02.2021.
- The Authority also directs that the flats booked by the Complainants along with all the common amenities promised in the Construction Agreement should be completed in all respects and handed over to the Complainants before 31.01.2021.

- The Authority further directs that in case permanent domestic EB service connection has not been obtained from TANGEDCO by the Respondent Promoter in respect of all the Complainants, the electricity shall be provided to the Complainants at the cost of the Respondent Promoter till permanent EB service connection is obtained from TANGEDCO.

11. With the above directions these Complaints are disposed of.

Sd/-...21.01.2021
MEMBER (M), TNRERA

Sd/-...21.01.2021
MEMBER (J), TNRERA

Sd/-...21.01.2021
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. Anand
21/1/21
ADMINISTRATIVE OFFICER

K.P.
21.01.2021