



**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.No.282/2019
13th day of August, 2020**

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

Thiru Vivek Ramsisaria

Complainant

Versus

M/s. Amar Prakash Developers Pvt. Ltd.

Respondent

This Complaint came up for final arguments before this Authority in the presence of Thiru Vivek Dwivedi, the authorized representative of the Complainant and of M/s. P. Dinesh Kumar and Ms. M.Alfiya – Counsel for Respondent and upon hearing the arguments of both the parties, this Authority passes the following order.

FINAL ORDER

The Complainant has prayed for handing over possession of the flat and has questioned the legality of collection of assignment fee in respect of Flat No.703, Block-M in the project 'Palm Riviera' at Thirumudivakkam village.

2. In the Counter Affidavit, the Respondent has submitted that they have obtained partial Completion Certificate on 01.08.2016 vide Completion Certificate No.EC/Central-I/198/2016 and hence this Block does not come under the purview of the Authority. They have also stated that there is provision for collection of assignment fee as per the Clause-46 of the Agreement for the project promotion and construction executed by both the parties on 22.12.2017.

3. The Authority has examined the Complaint and the Counter Affidavit filed by the Respondent carefully and holds that this Complaint is not maintainable since the block has been completed in 2016 prior to the Real Estate (Regulation and Development) Act, 2016 and Tamil Nadu Real estate (Regulation and Development) Rules, 2017 coming into force and is disposed of accordingly.

Sd/-...13.08.2020
MEMBER (M), TNRERA

Sd/-...13.08.2020
MEMBER (J), TNRERA

Sd/-...13.08.2020
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

ea
12/8/2020
ADMINISTRATIVE OFFICER (i/c)
13.8.2020