



**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.320, 321 & 324/2019
28th day of November, 2019**

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

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| 1. Thiru Ko. Balachander | 320/2019 | |
| 2. Thiru S.John Levin | 321/2019 | Complainants |
| 3. Thiru S.T.Shanmuganand & Tmt.
M.Thirupurasundari | 324/2019 | |

Versus

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|--|-----|-------------|
| 1. M/s. Chennai Construction,
Rep. by its Proprietor
Thiru T. Muna Basha | ... | Respondents |
| 2. Mrs. C.S.Surya (Land Owner) | | |
| 3. Mrs. M. Little Flower (land Owner) | | |

These Complaints came up for final arguments before the Authority in the presence of Complainants appeared as party in person and of M/s. T.Ramadevi and D.Vijayakanth Reddy - Counsel for Respondent and upon hearing the arguments of both the parties this Authority passes the following order.

FINAL ORDER

The Complainant Thiru Ko. Balachandar in Complainant No.320/2019 has entered into a sale agreement with the land owners for purchase of 1060 sq.ft. of undivided share and interest in the Schedule-A property mentioned in the sale agreement, situated in Pudupakkam village, Thiruporur Taluk, Kancheepuram District on 19.07.2018.

2. The Complainant Thiru Ko. Balachandar has also entered into a construction agreement with the Respondent developer / builder on 02.07.2018 for construction of a row house No.9 in the above said land. He has also stated that he has paid Rs.25,00,000/-to the Respondent for registration of sale of land. In the relief sought, the Complainant has requested registration of land or refund of Rs.25,00,000/- to him.

3. during the hearing, the Complainant Thiru Ko. Balachandar has also prayed that the Respondent may refund a sum of Rs.1,00,000/- paid as advance amount for construction and compensation for the delayed construction and mental agony caused by the Respondent and issue No Objection Certificate by the Respondent to construct the row house on his own.

4. The Complainant Thiru John Levin in Complaint No.321/2019 has entered into a sale agreement with the land owners for purchase of 1060 sq.ft. of undivided share and interest in the Schedule-A property mentioned in the sale agreement, situated in Pudupakkam village, Thiruporur Taluk, Kancheepuram District on 11.10.2017. The relief sought by the Complainant Thiru John Levin in Complaint No.321/2019 is to grant him No Objection Certificate from the Builder so that he can start the construction

by himself and necessary interest for the loss incurred by the Complainant. During the hearings, the Complainant had reiterated the same.

5. The Complainant Thiru S.T.Shanmuganand along with Mrs. M.Thirupurasundari in Complaint No.324/2019 has entered into a sale agreement with the land owners for purchase of 1060 sq.ft. of undivided share and interest in the Schedule-A property mentioned in the sale agreement situated in Pudupakkam village, Thiruporur Taluk, Kancheepuram District on 21.08.2017. The relief sought by the Complainant Thiru S.T.Shanmuganand along with Mrs. M.Thirupurasundari in Complaint No.324/2019 is to issue No Objection Certificate by the Builder so that he can start the construction by himself and return of construction cost paid by him upto Ground Floor roof which is about Rs.6,00,000/- and he has also sought refund of the excess payment made to the Respondent over and above the land cost with interest and compensation. During the hearings, the Complainant had reiterated the same.

6. The land owner appeared during the hearing and informed that the undivided shares have been registered after receiving the sale consideration from the Complainants in C.No.320/2019, 321/2019 and 324/2019 through the promoter. The Complainants in C.No.320/2019, 321/2019 and 324/2019 have also informed that they have no issue with the land owner and have no objection for deletion of the land owner name from the Complaints.

7. The Counsel for the Respondent submitted during the hearing that the Respondent is trying to settle the issue amicably. However, there has been no progress in this matter and neither the Respondent nor his

counsel have appeared in the subsequent hearings. The Respondent Developer has also not filed any Counter Affidavit in spite of giving specific direction by this Authority to file counter affidavit before 23.09.2019 in respect of the these three complaints.

8. In these circumstances, the Authority restrains the Respondent from taking up any further construction on the undivided share of the Complainants in C.No.320/2019, 321/2019 and 324/2019 and the Complainants are permitted to take up construction to complete their row houses after getting necessary planning permission / building permits from the Competent Authority concerned, if not obtained already. The Complainants are also at liberty to move the Adjudicating Officer, TNRERA for refund of the advance amount they have paid to the Respondent Developer for construction along with interest and compensation, etc.

9. The question of grant of 'No Objection Certificate' by the Respondent Developer / Builder does not arise, since the Respondent has delayed the project inordinately and he has also not filed any Counter Affidavit in spite of giving specific direction by this Authority to file counter affidavit in respect of the these three complaints.

10. With these directions, these three complaints stand closed.

Sd/-...28.11.2019
MEMBER(M),TNRERA

Sd/-...28.11.2019
MEMBER(J),TNRERA

Sd/-...28.11.2019
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER


ADMINISTRATIVE OFFICER


28/11/19