



**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.338/2019  
5<sup>th</sup> day of November, 2020**

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

Thiru Sridhar Srinivasan & ... Complainants  
Tmt. Subhasree Nangamangalam  
Rep. by Thiru N.C.Krishnan (POA)  
No.9/5, 40<sup>th</sup> Street, Nanganallur,  
Chennai – 600 061

**Versus**

M/s. A.R.R.R. Constructions Chennai P.Ltd. ... Respondent  
Rep. by its Managing Director  
Mr.R.S.Rajan @ Ramasamy Rajan,  
Mrs.Leela Rajan  
No.38, Karpaga Vinayagar Koil Street,  
Alandur, Chennai-600 016.

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This Complaint came up for final hearing before the Authority in the presence of the Thiru N.C.Krishnan, Power of Attorney of Complainants and of Thiru J.Jothi – Counsel for Respondent and upon hearing the arguments of both the parties, this Authority pass the following order:

## **FINAL ORDER**

The Complainants represented by their Power of Attorney have prayed that the Respondent Promoter be directed to complete the construction of the plot No.C-44 at 40<sup>th</sup> Street, Nanganallur Co-operative Building Society Colony, Alandur Taluk, Nanganallur, Chennai-600 061 as per the Agreement dated 08.07.2013 and hand over the constructed flat to the Complainants forthwith.

2. In the Counter Affidavit, the Respondent Promoter has stated that the plot measures an extent of 5040 sq.ft. as per the Town Survey extract in S.No.25/3 part, T.S.No.6, Ward-D, Block No.21 in Nanganallur village. Therefore, the measurement of land in which the project lies is less than 500 sq.mtr. as required under Section-3(2) of the Real Estate (Regulation and Development) Act, 2016 and therefore, this Authority has no jurisdiction to entertain this Complaint.

3. The Respondent has further stated that the Complainants are the purchasers of the pent house constructed in the building in the above said plot. The entire construction work was completed and the house warming ceremony was already done before 2 years by the Complainants for their pent house. However, the lift work is under process, the sewage and water connection to be provided is also under process. Regarding electricity connection, the Respondent has paid the necessary charges. The Respondent Promoter was waiting for an order from the Greater Chennai Corporation for obtaining Completion Certificate from CMDA. The Respondent has also stated that the flat purchasers were requested to pay 50% of their balance payment so that he could pay the Corporation and

would obtain completion certificate from CMDA and would hand over the building to them, but the flat owners are evading.

4. The Respondent has contended that as the extent in which the project is carried out is less than 500 sq.mtr. and number of apartments developed in this project did not exceed eight and therefore registration under the Act is not required. Hence, this Authority has no jurisdiction to entertain this Complaint.

5. The Complainants have filed written arguments stating that the Respondent had falsely stated in their counter that the building was already completed and handed over. The common amenities like sewage, water and electricity connection was not provided to the building. The Respondent has not filed his written arguments. However, the Respondent had stated during the hearing on 30.07.2020 that they are awaiting issue of Completion Certificate from CMDA and the project has been constructed, completed and possession handed over to the Complainant.

6. The Respondent has filed a memo on 04.11.2020 that Completion Certificate has been obtained and that electricity service connection has also been obtained and that all other civil works and other miscellaneous works in the flats have been completed and that there are no pending works.

7. The Authority has examined the Complaint, Counter Statement filed by the Respondent Promoter and the written arguments filed by the Complainant carefully.

8. As this Real Estate Project is carried out in a plot area less than 500 sq.mtr. and the number of apartments developed in this property does

not exceed eight, this Authority holds that the requirements of Section-3(2) of the Act are not satisfied. Hence, this Complaint is not maintainable and the Complaint is disposed of accordingly.

Sd/-...05.11.2020      Sd/-...05.11.2020      Sd/-...05.11.2020  
MEMBER (M), TNRERA    MEMBER (J), TNRERA    CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

OK

*N. P. ...*  
*S/n ...*  
ADMINISTRATIVE OFFICER  
*...*