



**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.352/2019

28th day of November, 2019

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

Thiru Veerendra P Khatawkar ... Complainant

Versus

M/s. Casa Grande Vallam LLP ... Respondent

This Complaint came up for final arguments before the Authority in the presence of M/s.K.Balaji & A.Prabula Chandran - Counsel for Complainant and of M/s. S.R. Sudhanraj S.Saradha – Counsel for Respondent and upon hearing the arguments of both the parties this Authority passes the following order.

FINAL ORDER

The Complainant Thiru Veerendra P. Khatawkar has stated that he had booked a Villa by 2014 bearing No.193 measuring an extent of 1487 sq.ft. of super built up area and an undivided share of 86 sq.ft. of super built up area and common area (right for using club house, etc.) in "CASA

GRANDE ARENA" with a land measuring an extent of 1975 sq.ft. and 597 sq.ft. of undivided share in the common areas in the project developed by the Respondent in S.No.310/6, 310/12, 309/18A and 309/15A at Vallakottai village, Sriperumbudur Taluk as per the approved DTCP Layout No.23/2014 for a total consideration of Rs.63.88 lakhs. The Complainant has also stated that on 06.11.2015 a registered construction and sale deed was registered in his favour.

2. The Complainant has complained that there have been deviations from the approved plan of DTCP in the construction by the Respondent and the Respondent has not delivered the possession of the Villa to him. He has sought relief that the entire land and the project comprising in DTCP No.23/2014 be registered under TNRERA and that the building deviations in relation to the Villa be enquired into.

3. In the counter affidavit, the Respondent has submitted that the Complainant has filed a case before the Hon'ble State Consumer Commission in CC No.105/2016 which is still pending for disposal and the Complainant had approached this Authority with the same claim and slightly altered to misrepresent this Authority.

4. The Respondent has further submitted that it had constructed and completed all the villas in the project including the Complainant's villa as per the plan approval and upon the concurrence of the Complainant. He had also submitted that the Complainant's villa comes under the DTCP approval No.23/2014 and has been completed in all aspects.

5. The Respondent submitted that the project in which the Complainant's villa has been constructed does not come under the purview of RERA and hence this complaint is not at all maintainable by this

Authority for want of jurisdiction. The Complainant in order to hide his default in payment is making allegations against the Respondent.

6. In the additional counter affidavit, the Respondent has submitted that the Respondent had filed an application bearing No.2976/17/CR3 with Directorate of Town and Country Planning under Rule-2(h)(iii) of Tamil Nadu Real Estate Regulation and Development Rules, 2017 and the project 'CASA GRANDE ARENA' consisting of 244 villas including the villa of the Complainant does not come under the purview of RERA and Completion Certificate from the approved Architect has been obtained. Hence, the Complaint is not maintainable either in law or on facts.

7. The Complainant in his response to the Counter filed by the Respondent has stated that the complaint before the Hon'ble State Consumer Commission in CC No.105/2016 is purely based on the deficiency in services provided by the Respondent.

8. In the arguments backed by the written submission, the Complainant had reiterated his earlier submissions and has emphasized that the Respondent has not constructed his villa as per the DTCP approval as there are many deviations in the building construction.

9. The Complainant has also stated that the DTCP approval No.23/2014 is not registered under this Authority.

10. In the arguments backed by written arguments, the Respondent has reiterated its earlier submissions. The Respondent has again reiterated that he has fulfilled the requirements under Rle-2(h)(iii) of Tamil Nadu Real Estate (Regulation & Development) Rule, 2017 in respect of the project 'CASA GRANDE ARENA' consisting of 244 villas including the villa of the

Complainant and hence the project does not come under the purview of RERA. Hence the complaint is not maintainable and may be dismissed.

11. The Authority considered the Complaint, pleadings of both sides and their arguments carefully.

12. As the Respondent has challenged the maintainability of the complaint, the Authority restricts its order to the maintainability of the complaint without going into the merits of the various issues raised by the Complainant in terms of deviations from the approved plan and non handing over of the villa, etc.

13. It is seen that this project fulfilled the requirements of Rule-2(h)(iii) of Tamil Nadu Real Estate (Regulation & Development) Rules, 2017 and finds place in the list of the projects, fulfilling the Rule-2(h)(iii), in the website of DTCP under Serial No.109. It is also seen that 244 villas including the villa of the petitioner have been completed.

14. The Respondent has also registered other ongoing projects in the same layout with the Authority vide No.TN/01/Building/0126/2018 dated 17.04.2018 for 136 EWS dwelling units, TN/01/Building/0019/2017 dated 21.08.2017 in respect of 159 dwelling units and TN/01/Buildings/0020/2017 dated 21.08.2017 in respect of 22 dwelling units.

15. Therefore, the Complaint is not maintainable, as the project is a completed project fulfilling the Rule-2(h)(iii) of the Rules, the complaint is disposed of accordingly.

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