



**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.392/2019**

**12<sup>th</sup> day of March, 2020**

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

Ms. Mary Joseph ... Complainant

**Versus**

M/s. Marg Properties Ltd. ... Respondent  
Represented by its Managing Director

This Complaint came up for final arguments before this Authority in the presence of the Complainant having appeared as party in person and of Dr.S.Padma – Counsel for Respondent and upon hearing the arguments of both the parties this Authority pass the following:

**FINAL ORDER**

The Complainant had booked a flat in Marg Brindavan project at Pondur village, Sriperumbudur Taluk, Kancheepuram District on 11.04.2014 and paid Rs.6,38,320/- as booking advance.

2. The Builder allotted flat No.A-306 in the 2<sup>nd</sup> floor of A-Block with an area of 1070 sq.ft. along with car park. The total cost payable by the

Complainant for the flat is Rs.31,12,930/- payable upon progress of construction.

3. The Construction agreement and the agreement for sale were executed on 10.04.2014. The Builder has refused to register the UDS land. The date of delivery as per the construction agreement was December, 2015 with grace period of 4 months. But till date the construction has not been completed and the Builder has not given possession of the completed apartment.

4. By February, 2015, the Complainant has paid a sum of Rs.22,76,678/- amounting to 73% of the total cost of the flat payable by her.

5. The Respondent has cited the non receipt of Ministry of Environment and Forest clearance and NGT stay order as reasons for the delay.

6. The Complainant has sought the relief of early completion and handing over of the flat to her.

7. In the Counter Affidavit dated 06.11.2019, the Respondent has submitted that this project was initiated during April, 2010 and scheduled to be completed by December, 2013. They got the building approval during July, 2013 only. The Respondent has also submitted that they have not been able to obtain the Environmental Clearance for this project so far. The Respondent has made a proposal to the customers of the project offering plot in lieu of the apartment. The customers can identify the plot of their choice depending upon the amount paid by them and the Respondent will swap the amount paid for the apartment to the plot.

8. In the Affidavit filed by the Respondent on 07.01.2020, the Respondent has offered a plot to the Complainant in Brindavan project subject to payment of advance amount of Rs.2,00,000/- The Complainant refused to do so and may be willing to pay in March, 2020 when she comes to India.

9. The Complainant has sent a letter dated 27.12.2019 stating that she is interested in purchasing a flat in Savitanjali project Block-B in lieu of apartment booked by her in the Marg Brindavan project. The Complainant has also sent e-mail seeking information whether this B-Block of Savitanjali project is registered with TNRERA. As the Complainant is residing in Dubai, she has been informed by an e-mail that this B-Block of Savitanjali is registered with TNRERA.

10. In conclusion, the Authority is of the view that the original project of Marg Brindavan may not see the light of the day in view of the non receipt of Environmental Clearance, etc. Therefore, the Complainant is at liberty to move the Adjudicating Officer of this Authority for refund of amount paid by her with interest and compensation. The Complainant is also at liberty to purchase the flat in B-Block of Savitanjali project of the Respondent Company on mutually acceptable terms.

11. With these directions, the Complaint stands closed.

Sd/-...12.03.2020  
MEMBER (M), TNRERA

Sd/-...12.03.2020  
MEMBER(J), TNRERA

Sd/-...12.03.2020  
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

*N. Prasad*  
12/3/2020  
ADMINISTRATIVE OFFICER.