



**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.400/2019**

**30<sup>th</sup> day of January, 2020**

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

Inseli Park Owners Association,  
Represented by its Secretary, Mr.Shivaramesh  
Jonnadula,  
B-Block, Ground Floor, Jains Inseli Park,  
Old Mahabalipuram Road,  
Padur, Chennai-603 103

.... Complainant

**Versus**

Jain Housing and Constructions Ltd.,  
Partner Mr.Sandeep Mehta,  
98/99, Habibullah Road,  
T.Nagar, Chennai-600 017

.... Respondent

This Complaint came up for final arguments in the presence of Thiru P.B.Suresh Babu – Counsel for Complainants and of Thiru m.Adeeb Mohammed, Thiru S.Sarankumar, Thiru N.Nirmalkumar – Counsel for Respondent and upon hearing the arguments of both the parties this Authority passes the following order.

## **FINAL ORDER**

The Complainant Association consists of home buyers and apartment owners of Jain Inseli Park project in Padur village, Chengalpattu Taluk, erstwhile Kancheepuram District.

2. The Complainant Association has prayed for a number of reliefs against the Respondent Developer mostly relating to maintenance charges, compensation for delay in handing over of common amenities, corpus fund, etc.

3. As the Respondent in their counter affidavit has submitted that the complaint itself is not maintainable as the project was completed prior to the commencement of the Act. Therefore, this Authority is confining itself to the maintainability of the complaint without going into the merits of the various reliefs prayed for.

4. In the Counter Affidavit, the Respondent has stated that the project was completed in 2012 and the possession was handed over in 2014 itself. The Respondent has also enclosed a sample letter of handing over possession dated 16.07.2014 on page No.28 of the typed set of papers submitted along with the Counter Affidavit.

5. The Respondent has also submitted that the concept of Completion Certificate has become mandatory only after the Government has passed orders on 16.04.2018 vide G.O.Ms.No.53, Housing & Urban Development Dept. in the areas under the jurisdiction of the Director, Town and Country Planning.

6. This Authority has examined the submissions and the arguments of the Complainant and the Respondent regarding the maintainability of the Complaint carefully.

7. This Authority does not accept the Completion Certificate issued by Padur Panchayat dated 25.09.2012 as there is no concept of issue of Completion Certificate for DTCP areas.

8. As rightly contended by the Respondent, the G.O.Ms No.53, Housing and Urban Development Dept. dated 16.04.2018 is prospective from the date of issue of that order and will be applicable for all planning permissions issued from the date of issue of the order vide para-2(f) of the abovesaid Government Order.

9. As the project has been completed in 2012 and the possession handed over in 2014 as submitted by the Respondent by providing a sample handing over possession letter dated 16.07.2014 and in view of the fact that the Complainant has not produced any contrary evidence to prove

that this project is an ongoing project, the Authority holds that this Complaint is not maintainable and is disposed of accordingly.

Sd/-...30.01.2020

MEMBER (M), TNRERA

Sd/-...30.01.2020

MEMBER (J), TNRERA

Sd/-...30.01.2020

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

*N. Anand*  
ADMINISTRATIVE OFFICER  
*30/1/2020*