



**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.408/2019
10th day of February, 2020**

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

Tvl.

M/s. Aknam Finvest Private Limited,
Represented by its Managing Director
Shri S.K.Moorthy
A-1/73, Swaat, 301, 3rd Floor,
Gokuldham, Goregaon (East),
Mumbai – 400 063

Complainant

Versus

M/s. Natesan Housing Private Limited,
Represented by its Director
Shri V.P.Seetharaman,
61, Sixth Cross, Ganapathi, Thiruvanaikovil,
Tiruchirapalli – 620 005

Respondent

This Complaint came up for final arguments before the Authority in the presence of Mr.M.P.Muthukumaran – Counsel for Complainant and of Thiru T.Singaravelu, K.Muralidharan – Counsel for Respondent and upon hearing the arguments of both the parties this Authority passes the following order.

FINAL ORDER

The Complainant had entered into an agreement for sale of land and construction with the Respondent in "Ponni Delta" a gated community situated in Thimmarayasamudram village, Thiruvanaikoil, Trichy Municipal Corporation in the year 2012.

2. The Complainant has sought a number of reliefs including direction to register the project with TNRERA, direction to complete the pending works and handing over the corpus fund to the Association and handing over the maintenance activities to the Association, etc.

3. The Respondent has challenged the maintainability of the Complaint on a number of grounds.

- Firstly, the possession of the apartment has been handed over on 06.09.2012 as per the possession certificate signed by both the Developer and the Purchaser (page No.34 of the typed set filed by the Respondent on 25.09.2019) stating that the construction of the apartment is complete inclusive of common amenities in all respects to the satisfaction of the purchaser.
- Secondly, the property also assessed by the competent authority namely Trichy City Municipal Corporation and necessary property taxes has been paid by the Complainant on 10.03.2014.
- Thirdly, the project finds place in the list of structurally completed projects vide serial number-160 of the list published by the DTCP fulfilling Rule-2(h)(iii) of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017.

4. This Authority has carefully examined the Complaint, Counter Affidavit filed by the Respondent, rejoinder filed by the Complainant, reply filed by the Respondent and the written submission of the Complainant by way of arguments and oral arguments of the Respondent carefully.

5. The Authority without going into the merits of the various issues raised by the Complainant would confine itself to the maintainability of the Complaint as this has been challenged by the Respondent as not maintainable.

6. In as much as the apartment has been handed over in the year 2012 and certified by the Complainant that the construction of the apartment is complete inclusive of common amenities in all respects and the property tax has been assessed in 2014 itself, and that the project finds place in the list of structurally completed projects fulfilling Rule-2(h)(iii) of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017, the Authority holds that this Complaint is not maintainable and therefore the complaint is dismissed.

Sd/-...10.02.2020
MEMBER (M), TNRERA

Sd/-...10.02.2020
MEMBER (J), TNRERA

Sd/-...10.02.2020
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

ADMINISTRATIVE OFFICER

W. Nirmala
10/2/2020