



**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.451 of 2019

10th day of June, 2021

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

Col. R. Ganesan
82/60, AWHO, Parameswaran Vihar,
67, Arcot Road, Saligramam, Chennai-93

Complainant

Versus

Army Welfare Housing Organisation (AWHO)]
Rep. by its Managing Director R1]
The Project Director]
Army Welfare Housing Organisation (AWHO) R2]

Respondents

This Complaint came up for final hearing before this Authority in the presence of the Complainant appeared as party in person and of M/s.Thriyambak J. Kannan – Counsel for Respondents and upon hearing the arguments of all the parties, this Authority passes the following order:

FINAL ORDER

The Complainant is an Allottee of an apartment in "Raman Vihar" project at Chinnavedampatti, Coimbatore.

2. In this Complaint the Complainant has prayed for execution of correct sale deed with all the buyers.

3. The Respondent Promoter in its Counter Affidavit had taken a stand that the issue of undivided share is not within the domain of this Authority and the Respondent is willing to invoke the arbitration proceedings to settle this issue, since Rule 89 of the Master Brochure of the Respondent Promoter provides for resolution of disputes through arbitration.

4. The Respondent Promoter has also stated that this Real Estate Project is developed in phases in approx. 33 Acres of land and the development has been planned in 2 phases under no stretch of imagination, it could be construed that the entire project land is meant exclusively for 400 Allottees under Phase-I, Stage 1 of the project.

5. In the arguments filed by way of written submissions, the Complainant has stated that the contention of the Respondent Promoter that conveyance of undivided share of land and the sale agreement are not under the purview of this Authority is absolutely preposterous. The Complainant has also cited the orders of the Hon'ble Supreme Court of India in M/s.EMMAR MGF Vs. Aftab Singh in support of his contention.

6. The Respondent has not filed any arguments by way of written submission of arguments.

7. This Authority has examined the Complaint, the Counter Affidavit of the Respondent Promoter as well as the written submission of arguments filed by the Complainant carefully.

8. When the orders in this Complaint were reserved, the Respondent Promoter had filed an Interim Application (IA No.36/2020) praying for referring the issue of determination of undivided share of land for arbitration. This Authority has passed orders in this Interim Application dismissing the same as devoid of merits. Also the Interim Application became infructuous, in view of the filing of the application for registration by the Respondent Promoter with this Authority.

9. In the application for registration of the project, the Respondent Promoter has also filed statement of carpet area of the apartments and the undivided share of land to be executed in respect of all the 496 dwelling units as per the approved Planning Permission by DTCP. The Authority has also registered this project and issued grant of registration in Form-C No.TN/11/Building/130/2021 dated 22.04.2021.

10. As this Authority has already granted registration for this Real Estate Project which contains all the relevant details such as carpet area, undivided share of land and car parking, the Respondent Promoter shall execute correct sale deed with all the Allottees as per the Registration with this Authority.

11. With this direction, this Complaint is disposed of.

Sd/-...10.06.2021 Sd/-...10.06.2021 Sd/-...10.06.2021
MEMBER (M), TNRERA MEMBER (J), TNRERA CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. Anand
ADMINISTRATIVE OFFICER
10.6.21