



**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.472/2019  
3<sup>rd</sup> day of September, 2020**

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

Thiru S.M.Chandrasekar ... Complainant

**Versus**

- |  |                       |             |
|--|-----------------------|-------------|
| 1. The Managing Director,<br>Indian Railway Welfare Organization<br>(IRWO),<br>New Delhi   | ]<br>]<br>]<br>]      | Respondents |
| 2. The General Manager (Former)/<br>Chief Project Manager (At present)<br>Indian Railway Welfare organization<br>(IRWO)<br>South Zone, Chennai | ]<br>]<br>]<br>]<br>] |             |

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This Complaint came up for final arguments before this Authority in the presence of Complainant having appeared as party in person and of Thiru G.Prakash – Counsel for Respondents and upon hearing the arguments of both the parties this Authority passes the following order.

## FINAL ORDER

The Complainant Thiru S.M. Chandrasekar has stated that he was No.1 in the waiting list for the Type-B (Double Bed Room) dwelling unit in Chennai Phase-IIA group housing scheme when the scheme was initially launched in the year 2006 as per the IRWO/SZ/Chennai statement dated 02.06.2010. Also the Complainant was kept in waiting list No.1 for the Type-A (single Bed Room) dwelling unit in the reopened Chennai Phase-IIA group housing scheme as per the draw conducted on 10.04.2017 at GM's Office/SZ/Chennai vide MD office letter IRWO/New Delhi dated 24.05.2017.

2. The Complainant has sought the following reliefs:

- i. To direct the respondent to allot an independent dwelling unit Type-B(Double Bed Room) to the Complainant in group housing scheme, Chennai, Phase-IIA at Ambattur at the rate given initially to the other allottees without equalizing charges or any other charges extra as he is interested only in Independent House and his money Rs.1,20,000/- (Rs.70,000/- for Type-B (Double Bed Room)) + Rs.50,000/- for Type-A (Single Bed Room) paid for the individual dwelling unit in Chennai Phase-IIA is with IRWO for 16 years and 03 years respectively.*
- ii. To refund deducted amount Rs.29,500/- and also interest for the booking amount Rs.1,50,000/- as the Complainant received only Rs.1,20,500/- against the booking money*

*Rs.1,50,000/- paid towards Type-IIIA dwelling unit (flat) in Chennai Phase-IIB group housing scheme after expressing Complainant's unwillingness due to high cost of the flat and area and size of the flat and room is not clear.*

3. In the Counter Affidavit filed by the 2<sup>nd</sup> Respondent for himself and on behalf of the 1<sup>st</sup> Respondent, the 2<sup>nd</sup> Respondent has submitted that the allegations contained in para-4 of the Complaint that the Complainant was No.1 in waiting list for the Type-B Double Bed Room in Chennai, Phase-IIA Group Housing Scheme when the scheme was launched in the year 2006 and the same has been approved by the 1<sup>st</sup> Respondent is not correct. The fact remains that the group housing scheme 2006 Rail Vihar, Ambattur, Chennai Phase-IIA was launched and kept open up to 31.07.2006. The group housing scheme Phase-II has been closed by 31.07.2006. As the Complainant had paid the balance amount of Rs.43,500/- only on 03.08.2006 i.e. after the expiry of the scheme since the scheme was closed by 31.07.2006 the Competent Authority has decided to refund the booking amount vide MD letter dated 06.02.2007 to those for whom no allotment was made.

4. The 2<sup>nd</sup> Respondent has also submitted that for some applicants after the due date 31.07.2006 and their applications were not considered, the GM/SZ had recommended the names of nine applicants to keep them under waiting list in which the Complainant herein was also figured in the said list for Type-B at Serial No.1. However, the recommendation of the GM/SZ was not accepted by the Competent Authority and it was decided to refund the money of the applicants who have submitted their booking money after closure of the scheme.

5. The 2<sup>nd</sup> Respondent has further submitted that the allegation that the Complainant was kept in the waiting list for the Type-A single bed room dwelling unit in the reopened Chennai Phase-II A group housing scheme as per the draw conducted on 10.04.2017 at G.M.'s office vide MD office letter IRWO, New Deli dated 24.05.2017 is also not correct.

6. Subsequently the 2<sup>nd</sup> Scheme of Group Housing Scheme 2014 Rail Vihar Chennai Phase-IIB, Ambattur was opened from 02.07.2014 to 04.08.2014 and the Complainant had applied in this scheme for Type-IIIA dwelling unit. The allotment was made in the name of the Complainant for Type-IIIA confirmed by the letter No.IRWO/DF/ALT/Ch-Phase-IIB dated 20.12.2017 (Annexure-47 of the typed set papers of the Respondent). However, the Complainant did not pay the installment amount due to his financial limitations and requested to refund the booking amount and accordingly an amount of Rs.1,20,500/- was refunded to the Complainant after deducting the penalty and GST.

7. The 2<sup>nd</sup> Respondent further submitted that Rail Vihar Ambattur Group Housing Scheme had been reopened from 10.11.2016 to 31.12.2016 for filling the vacant units of Chennai Phase-IIA Group Housing Scheme. As the applications were more than the vacancies, draw was conducted on 10.04.2017 and the Complainant was placed in the waiting list at Serial No.1 of Type-A unit and the Complainant was informed by the Corporate Office by letter dated 24.05.2017 (Annexure-37 of the typed set of papers of the Respondent).

8. The 2<sup>nd</sup> Respondent has further submitted that as of now there is no vacant independent dwelling unit in Type-A and Type-B in Chennai

Phase-IIA Group Housing Scheme and therefore the demand of the Complainant cannot be agreed to.

9. Both the sides have made their arguments followed by written submissions. In these submissions, the parties have only reiterated their submissions made in the Complaint and the Counter Affidavit.

10. The Authority has examined the Complaint, Counter Affidavit of the Respondents, arguments made by both sides followed by written submissions of the same carefully.

11. The Complainant has sought allotment in Phase-IIA Group Housing Scheme which has been closed long back in 2006. More than that, the Complainant is not an allottee of the dwelling unit either under Type-A or Type-B in Group Housing Scheme Phase-IIA in which he has sought allotment.

12. The Real Estate (Regulation and Development) Act, 2016 defines 'Allottee' under Section-2(d) of the Act. This Authority can go into disputes between an 'Allottee' and the 'Promoter' as per the Act and adjudicate the Complaint filed by the Allottee under Section-31 of the Act.

13. In this case, the Complainant is not an 'Allottee' since he has not been issued any allotment letter and at best he has been kept only in the waiting list. Further, the Respondents have stated that there is no vacancy in Chennai Group Housing Scheme Phase-IIA to accommodate the Complainant either by way of Type-A or Type-B independent dwelling unit.

14. Therefore, this Authority holds that this Complaint is not maintainable and is disposed of accordingly.

Sd/-..03.09.2020

MEMBER (M), TNRERA

Sd/-...03.09.2020

MEMBER (J), TNRERA

Sd/-...03.09.2020

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

  
ADMINISTRATIVE OFFICER (i/c)