



**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]

E.P.No.1 of 2019 in C.No.35/2018

30th day of June, 2021

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

Serene Kshetra Owners Association (SKOA) ... Complainant
Rep. by its Secretary

Versus

M/s. Adinath Srinivasa Foundations LLP ... Respondents
Rep. by its Partners
Mr.Anil Kumar Seth & Mr.Jitendra Bhandari

This Execution Petition No.1/2019 in Complaint No.35/2018 came up for final hearing in the presence of M/s.Ralph V.Manohar and Mr.R.Ramana – Counsel for the Execution Petitioner/Complainant and of Thiru I. Mohammed Faizal – Counsel for the Respondent Promoter and upon hearing the arguments of both the parties, this Authority passes the following orders.

ORDER

The Execution Petitioners have stated that the Respondents have failed to comply with the orders of this Authority to register the project with this Authority till date and have therefore prayed that this Authority may be pleased to pass the following orders:

- a) *To secure the respondents and punish them by imprisonment for 3 years for non compliance of the order dated 24.09.2018.*
- b) *To direct the respondents to pay penalty for the period of default till the date of compliance of the order as per Section 63 of the Act.*
- c) *To direct the Respondents to pay cost of Rs.25,000/- towards litigation expenses to the applicants.*

2. The Respondent Promoter has filed a memo stating that the Respondent has submitted necessary application for registration on 25.08.2020 with this Authority and the same was under process.

3. The Authority processed this application and observed that the ownership of the project land stands in the name of Tvl. K.Surendra Kumar and Tvl. R.V.Ranjith Kumar. The Promoter has not furnished any General Power of Attorney or sale right of the Respondent Promoter to apply for project registration. Apart from this, there are other particulars which are required for processing of this application. Therefore, the Promoter was directed to furnish all the particulars and remit the balance registration fees vide this Authority's letter dated 12.01.2020. The Promoter has not furnished the particulars. As a last chance, the Promoter was directed to

furnish the required particulars vide letter dated 11.01.2021 by giving 15 days time.

4. In the letter dated 23.02.2021, the Authority has stated that the Promoter has submitted the documents and particulars only partly and not in full shape, therefore, the application could not be processed further. The applicant has been directed to re-submit the application with the following particulars:

- a) Registered sale rights from the land owners Thiru R.V.Ranjith Kumar & Thiru K.Surendra Kumar to M/s.Adinath Srinivasa Foundations LLP.*
- b) Renewal of Planning Permission and Building Permission from the competent authorities.*
- c) Revised carpet area statement as per RERA format tallying the total UDS land with total extent of site and covered car park as per approved plan. The covered car park and open car park are to be allotted based on the approved plan, since you have not shown car parking for club house and staff housing.*
- d) Revised CD incorporating the above information.*

5. As the Respondent Promoter did not furnish the required particulars, a notice was issued to the Respondent Promoter to show cause within 15 days as to why the application for registration of this real estate project should not be rejected for non submission of the required particulars. The Respondent Promoter has not furnished any reply to this notice. Therefore, the Authority has rejected the application for registration

of this real estate project on account of non submission of the required particulars vide its Rejection Order No.TNRERA/3562/2020 dated 04.05.2021.

6. Therefore, this Authority holds that the Respondent Promoter has not complied with the orders of this Authority dated 24.09.2018 in Complaint No.35/2018. Accordingly this Authority imposes penalty of Rs.3,00,000/- (Rupees Three Lakhs only) for non registration of this real estate project with this Authority under Section 59(1) of the Act.

7. The Authority also imposes a penalty under Section 63 of the Act that the Respondent Promoter shall also be liable to pay a penalty of Rs.3,000/- (Rupees Three thousand only) per day till the default of non registration of the project with this Authority continues which cumulatively shall not exceed 5% of the estimated cost of the project.

8. With these directions to the Respondent Promoter, this Execution Petition is disposed of.

Sd/-...30.06.2021

MEMBER (M),TNRERA

Sd/-...30.06.2021

MEMBER (J), TNRERA

Sd/-...30.06.2021

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

ok

N. [Signature] 30.6.21
ADMINISTRATIVE OFFICER

30.6.21