



**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.7/2019 in C.No.29/2018

17th day of February, 2021

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

Thiru Narasimman.M.

Execution Petitioner /
Complainant

Versus

1. Army Welfare Housing Organisation, South Hutments, Kashmir House, Rajaji Marg, New Delhi - 110011
 2. The Project Director, Army Welfare Housing Organisation, Coimbatore (Raman Vihar) Project, Anna Nagar, Chinnavedampatti, Coimbatore-49
- Respondents

This Execution Petition in Complaint No.29/2018 came up for final arguments before the Authority in the presence of the Complainant who appeared as party in person and of Thiru Thriyamak J.Kannan – Counsel

for Respondents and upon hearing the arguments of both the parties this Authority passes the following order.

ORDER

Thiru Narasimman. M., the Complainant in C.No.29/2018 has filed an Execution Petition to direct the Respondents (i) Army Welfare Housing Organisation and (ii) the Project Director, Army Welfare Housing Organisation, RAMAN VIHAR, Anna Nagar, Chinnavedampatti, Coimbatore to execute the order dated 30.10.2018 passed by this Authority forthwith.

2. It is seen that in the order dated 30.10.2018 in Complaint No.29, 33, 34 and 45/2018, this Authority held that RAMAN VIHAR Project of Army Welfare Housing Organisation, Coimbatore is an ongoing project and accordingly directed the AWHO to register the project with TNRERA within 15 days from the date of this order.

3. The Respondent AWHO represented by its Project Director, RAMAN VIHAR AWHO Project, Chinnavedampatti Post, Coimbatore-49 had appealed against the order of this Authority in the Hon'ble Tamil Nadu Real Estate Appellate Tribunal. The Hon'ble Tamil Nadu Real Estate Appellate Tribunal in its order dated 20.03.2019 in Appeal No.1/2019 had dismissed the Appeal in the admission stage itself as not admissible.

4. Against the order of the Hon'ble Appellate Tribunal, the AWHO represented by its Project Director, RAMAN VIHAR, AWHO Project, Chinnavedampatti, Coimbatore has filed 2nd Appeal in CMSA No.1/2020 in the Hon'ble High Court of Madras.

5. The Hon'ble High Court of Madras in an Interim Order dated 04.02.2021 directed the Authority to proceed with the execution petitions, pass final orders and ensure that the orders are implemented on or before 25.02.2021.

6. In the Counter Affidavit, the Respondent Promoter has not stated anything about filing of application for registration of this real estate project with this Authority in compliance of the orders of this Authority dated 30.10.2018. The Execution Petitioner has also filed Rejoinder to this Counter Affidavit denying the contentions of the Respondent. Both the Execution Petitioner and the Respondent Promoter have filed written submission of arguments.

7. This Authority has examined the Execution Petition, Counter Affidavit of the Respondent Promoter, Rejoinder filed by the Execution Petitioner and the written arguments submitted by both parties carefully and it is clear that the Respondent Promoter has not filed application for registering this real estate project with this Authority so far in compliance of the order of this Authority dated 30.10.2018. Therefore, this Authority directs the Respondents, AWHO, Anna Nagar, Chinnavedampatti, Coimbatore to register the project 'RAMAN VIHAR' immediately with this Authority without further loss of time in compliance of the orders of this Authority dated 30.10.2018 and the order of the Hon'ble Appellate Tribunal dated 20.03.2019. This Authority has already imposed a penalty of Rs.10,00,000/- (Rupees Ten Lakhs only) on the Respondent Promoter AWHO for non compliance of the orders of this Authority to register this real estate project with this Authority and Rs.10,000/- (Rupees Ten Thousand only) per day till default continues vide its order in

E.P.No.5/2019 dated 17.02.2021. Therefore, no separate penalty is imposed on the Respondent Promoter in this Execution Petition.

Sd/-...17.02.2021 Sd/-...17.02.2021 Sd/-...17.02.2021
MEMBER (M), TNRERA MEMBER (J), TNRERA CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER


ADMINISTRATIVE OFFICER


17.2.21