



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.Nos. 21 & 38 to 41/2020

10th day of June, 2022

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

Ronald Lamech	21/2020]	
S. Suresh and Srividhya	38/2020]	
K. Venkataraman and	39/2020]	
Latha Venkataraman]	Complainants
P. Suresh	40/2020]	
Anju Anna Thomas and]	
Annie Thomas	41/2020]	

Versus

M/s. SPR & RG Constructions Pvt. Ltd.]	
Rep. by its Managing Director]	
Thiru Hitesh Kumar P Kawad]	
Thiru Hitesh Kumar P. Kawad]	
Managing Director]	
M/s. SPR & RG Constructions Pvt. Ltd.]	Respondents
Thiru M.G. Surendranath]	
Director]	
M/s. SPR & RG Constructions Pvt. Ltd.]	

The above Complaints came up for final hearing before this Authority in the presence of M/s. Paul & Paul and J.Hudson Samuel and Partners – Counsel for the Complainants and of Mr.E.Sathish Kumar – Counsel for the Respondents and upon hearing the arguments, this Authority passes the following order:

FINAL ORDER

The Complainant Thiru Ronald Lamech in C.No.21 of 2020 has stated in the Complaint that the flat, booked by him in the Project "Osian Chlorophyll" at Karambakkam Village, Ambattur Taluk, Thiruvallur District developed by the 1st Respondent Builder, bearing apartment No.T135, Block No.10, 13th floor was constructed and handed over to the Complainant by the Respondents on 01.02.2018 with the promise that the amenities would soon be completed as originally agreed upon.

2. The Complainant has further submitted that though the Respondents gave several commitments and timelines within which they would complete all the amenities, they failed to keep up their promise.

3. Also the Complainant has submitted that the number of car parks had been drastically reduced from 1,245 car parks and 1,264 for two wheelers to 1,062 car parks and 257 for two wheeler parking. The 1st Respondent has not allotted visitor's car park as per the agreement and the CMDA rules. The Complainant has further submitted that the Respondents have constructed a mezzanine floor under the basement for which the Respondents have not obtained approval either from the Complainant or from the CMDA and the same is in contravention of the Agreement of Construction and the CMDA Rules.

4. The Complainant has sought for the following reliefs in the Complaint.

- (i) To direct the Respondent to register the project "Osian Chlorophyll" comprised in New Survey Nos.148/5A, 7A, 6B, 137/1 and 138/1 situated at Karambakkam village, Maduravoyal Taluk, Tiruvallur District, with the Real Estate Regulatory Authority under the Real Estate (Regulation and Development) Act, 2016 and the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017;
- (ii) To direct the Respondents to provide Club Houses and other amenities as provided in the original approved plan and Agreement or alternatively to provide equivalent alternate clubhouse spaces and amenities;
- (iii) To direct the Respondents to provide periodical Local body Inspection Reports;
- (iv) To direct the Respondents to produce evidence to show that the building is structurally safe in the wake of the Respondents putting up a Mezzanine floor above the basement contrary to the original approved plan;
- (v) To direct the Respondents to refrain from putting up or altering any constructions unilaterally contrary to the terms of the Agreement.

- (vi) To direct the Respondents to complete the entire project by providing all amenities agreed to by the Respondents in the Agreement with the Complainant.
- (vii) To direct the Respondents to provide car parks as per the CMDA/Development control Rules including visitors parking and as per the Agreement with the Complainant.
- (viii) To direct the Respondents to pay such compensation deemed fit as well as costs to the Complainant
- (ix) To initiate appropriate action against the Respondent for violation of the Real Estate (Regulation and Development) Act, 2016 and the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017.

5. The Complainants in C.Nos.38 & 39 to 41 of 2020 have also prayed for similar reliefs and in addition the following reliefs:

- (i) To hand over all the original parent documents on formation of the association, to the office bearers of the association within 15 days of intimation of association formation.
- (ii) To transfer the corpus fund to the association within 15 days of intimation of formation of the association by the office bearers.

6. This Authority has examined the Complaints, Pleadings, the arguments and the written submission of arguments carefully.

7. Regarding the prayers in para-4 (i), (ii), (iv), (vi) and (vii) above, the order passed by this Authority in Complaint No.442/2019 dated 21.03.2022 in the same project holds good in respect of these prayers also.

8. Regarding transfer of corpus fund to the Association of Allottees, this Authority directs the Respondent Promoter to transfer the Corpus fund along with the actual interest earned on this Corpus fund, after deducting the expenditure incurred from the Corpus fund for the purposes for which the Corpus fund is intended for, to the Association of Allottees before 31.08.2022, if not done already.

9. Regarding the direction to pay compensation, the Complainants are at liberty to move the Adjudicating Officer of this Authority in Form-N.


10. With the above findings and directions these Complaints are disposed of.


Sd/-...10.06.2022
MEMBER (M), TNRERA

Sd/-...10.06.2022
MEMBER (J), TNRERA

Sd/-...10.06.2022
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER


ADMINISTRATIVE OFFICER


10.6.22.