



**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.76 of 2020**

**10<sup>th</sup> day of March, 2021**

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

Thiru L. Suresh Kumar ... Complainant

Versus

1. M/s. Dawning Developers LLP ... Respondents  
2. Casagrاند Builder Private Limited

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This Complaint came up for final hearing before the Authority in the presence of Thiru A.Ramakrishnan, Thiru S. Elumalai – Counsel for Complainant and of M/s. S.R.Sudhanraj, S.Saradha and Thiru C.Srinivasan – Counsel for the Respondents-1 & 2 and upon hearing the arguments of both the parties, this Authority passes the following order:

## **FINAL ORDER**

The Complainant has stated that the Complainant was scanning the real estate market and wanted to buy a flat with the Respondent group herein in and around Ambattur and therefore, browsed the website of the Respondent Group and found that they have an ongoing project named "Casagrاند Crescendo" at Nolambur, Chennai. The website further pointed out that the RERA registration number for this project is TN/02/Building/0190/2018 and the address of the said project is in Mogappair. However, RERA website says otherwise. The RERA website states that the plot address is Block No.22, Plot No.T.S.No.9/6, 7, 11/1, 4, 5, 6, 7 and 9, Survey No.10, 12/5, 6, Bye Pass road, Athipattu, Chennai-600 058. Moreover, the survey numbers do not match with that of the permission granted by the Greater Chennai Corporation. Moreover, the Casagrاند's website also shows that there is an ongoing project in Ambattur with the same RERA registration number. This can be seen from its website <http://casagrاندambattur.com>. However, it is clear that the Respondent group is using the same RERA permission for two projects.

2. The Complainant has also stated that the website of the Respondent group shows an ongoing project "Casagrاند Zenith" located at Medavakkam, Chennai-600 126. The RERA registration for the same is TN/01/Building/0101/2019. However, the Respondent group's website shows that there is another ongoing project with the same RERA registration number in Perumbakkam. This can be seen from its website <http://casagrاندperumbakkam.com>

3. This tantamount to misrepresentation and misleading the customers from making a proper and informed decision.

4. The Complainant has sought the following reliefs:

- i. *An order setting aside the applications (if any) for registration before the Real Estate Regulatory Authority made by the Respondent with regard to the projects/properties situated in Ambattur and Perumbakkam, Tamil Nadu as the Respondent has misrepresented that the same have been registered under number TN/02/Building/0190/2018 and TN/01/Building/0101/2019 respectively.*
- ii. *An order to cancel the registration for the projects "Casagrand Crescendo" having registration number "TN/02/Building/0190/2018" and "Casagrand Zenith" having registration number "TN/01/Building/0101/2019"*

***Interim Order, if prayed for:***

*To restrain the Respondent, its men, servants, agents, authorized representatives, successors and any other persons authorized to act for and on its behalf from advertising projects/properties situated in Ambattur and Perumbakkam, Tamil Nadu and any other property/project which have not been registered before the Real Estate Regulatory Authority.*

5. The Counter Affidavit has been filed by the 2<sup>nd</sup> Respondent M/s. Casa Grand Builder Private Limited which has been adopted by the 1<sup>st</sup> Respondent M/s. Dawning Developers LLP.

6. In the Counter Affidavit, the 2<sup>nd</sup> Respondent has stated that they have initiated villa project known as "Casagrand Crescendo" and "Casagrand Zenith" near Mogappair and Medavakkam respectively.

7. The 2<sup>nd</sup> Respondent has further submitted that the websites mentioned by the Complainant are not used for sales related activity and the websites are created for the purpose of guiding the customers who are unfamiliar with the project location advantages and to guide the customer the towards corporate website. The 2<sup>nd</sup> Respondent has further stated that they are using the website mentioned by the Complainant only for the purpose of surveying activities at the time of page construction and the websites are under testing process and the same is under construction.

8. The 2<sup>nd</sup> Respondent further stated that they have not placed any false information in the website and do not have any deceiving intention as alleged by the Complainant. The websites mentioned by the Complainant are only used as channel to connect the customers who are looking out for residential house/villa/apartment in and around the particular main locality like Ambattur, Perumbakkam and for customers from various locations who are in and around in particular main location.

9. The 2<sup>nd</sup> Respondent have further stated that they have advertised only the concerned RERA registration number which they have obtained for their particular project. They have clearly mentioned the RERA registration number in every project in their official website namely [www.casagrand.co.in](http://www.casagrand.co.in) They have also filed the Xerox copy of the screenshot of the official website pertaining to "casagrand crescendo" and "casagrand zenith" projects.

10. The 2<sup>nd</sup> Respondent has also questioned the locus standi of the Complainant.

11. In the written submissions both the Complainant and the Respondent Promoter have reiterated their earlier submissions made in the Complaint and the Counter Affidavit respectively.

12. The Authority has examined the Complaint, Counter Affidavit of the 2<sup>nd</sup> Respondent and the written arguments filed by both sides carefully.

13. The Real Estate project "Casagrاند Crescendo" consisting of 4 blocks with 513 dwelling units in old Survey No.122/2A, 2B, 123/1B, etc. in Block No.22 situated in Athipattu village, Ambattur Taluk has the project registration No.TN/02/Building/0190/2018 dated 06.06.2018.

14. It is seen from the screenshot of the project relating to "Casagrاند Crescendo" attached with the Complaint on page No.7 of the Complaint states that this project is located in Nolambur. In the screenshot below "Casagrاند Crescendo" Nolambur is also mentioned.

15. As the project is located at Athipattu village in Ambattur Taluk, mentioning Nolambur as the location of the project in the screenshot of the website of the Respondent group is clearly an act of misrepresentation and misleading the prospective home buyers. This Authority does not find any merit in the contentions of the Respondent Promoter that these sites are for the purpose of surveying and guiding customers, etc.

16. As long as the websites are accessible to the general public and the prospective home buyers, the websites will have to provide correct information which the Respondent Promoter has failed miserably. The Respondent Promoter does not seem to have learnt any lesson from the order passed by this Authority in Complaint No.334/2019 dated 10.02.2020

imposing penalty of Rs.10,00,000/- for misrepresentation and for contravening the provisions of Section 7 of the Act.

17. Similarly, in respect of the Real Estate project "Casagrand Zenith", this Real Estate project has Phase-1 & 2 located at Vengaivasal village, Tambaram Taluk. The "Casagrand Zenith" Phase-1 project has RERA registration TN/01/Building/0101/2019 dated 03.07.2019 and "Casagrand Zenith" Phase-2 has the project registration No.TN/01/Building/0102/2019 dated 05.07.2019.

18. It is seen from the screenshot enclosed by the Complainant on page-9 of the Complaint, the Respondent has advertised in their website that this project is located in Medavakkam. Below the screenshot the project name "Casagrand Zenith" Medavakkam has also been mentioned.

19. Similarly, in respect of pre launching life style apartments **near** Perumbakkam, the Respondent Promoter has mentioned the RERA registration No.TN/01/Building/0101/2019. This registration number relates to the project named "Casagrand Zenith" Phase-1 at Vengaivasal village. In another screenshot luxury apartments are advertised with location at Perumbakkam (page 10 of the Complaint). This does not contain any TNRERA registration number. Even in the screenshot enclosed by the Respondent Promoter in the Counter Affidavit, the project "Casagrand Crescendo" has been shown to be located at Nolambur whereas the site of the project as per the registration with TNRERA is Athipattu village.

20. Similarly, in the screenshot of project "Casagrand Zenith" enclosed by the Respondent Promoter in the Counter Affidavit the location is stated to be at Medavakkam whereas the site of the project is Vengaivasal village as per the registration with this Authority.

21. Therefore, it is abundantly clear that the Respondent Promoter has committed acts of misrepresentation and misleading the prospective buyers thereby contravening Section-7 of the Act.

22. In spite of this Authority imposing of penalty of Rs.10,00,000/- for such act of misrepresentation and misleading the general public and prospective buyers in its order in Complaint No.334/2019 dated 10.02.2020, the Respondent has continued to commit factual misrepresentation misleading the general public and the prospective buyers.

23. Therefore, this Authority imposes a penalty of Rupees Ten Lakhs only on the Respondent Promoters to be paid jointly before 31.03.2021 and shall immediately remove all factual misrepresentations which are inconsistent with the details of the projects registered with this Authority from all the websites of the Respondent Promoter group immediately.

24. With these directions this complaint is disposed of.

Sd/-...10.03.2021      Sd/-...10.03.2021      Sd/-...10.03.2021  
MEMBER (M), TNRERA    MEMBER (J), TNRERA    CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. (M) (13/3/21)  
ADMINISTRATIVE OFFICER  
M  
10.3.21 .