

**BEFORE THE HON'BLE ADJUDICATING OFFICER,  
TNRERA, CHENNAI**

**I.A. Nos. 42 and 43 of 2022  
in  
C.C.P. No.11 of 2019**

Subashini Thulasiram  
Rep. by her power agent, B. Jayalakshmi

..... **Applicant/Complainant**  
(In both the I.As.)

**Vs.**

M/s. SPR & RG Constructions Pvt. Ltd.

..... **Respondent/ Respondent**  
(In both the I.As.)

**Heard on : 28.09.2022  
Delivered on : 02.11.2022**

**COMMON ORDER**

The application in I.A No.42 of 2022 to carryout amendments in the complaint in Form-N and the application in I.A.No.43 of 2022 to receive additional documents are filed by the applicant/complainant.

**2. Averments of the petitioner, in both the I.As., in brief, as follows:-**

(a) The affidavits of B. Jayalakshmi, the power agent of the applicant are filed in support of the applications. The applicant filed the complaint seeking compensation with interest from the respondent on the ground of enormous delay in handing over possession of the constructed flat and not obtaining necessary clearances and completion certificate for the project. When the complaint was being pursued by the applicant before this Forum and the amendment was being considered, pursuant to the order of of Hon'ble Supreme Court in M/s. Newtech Promoters and Developers Private

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Limited. Vs. State of U.P. and Others, the jurisdiction of the Adjudicating Officer was held to be confined to adjudicating claims of compensation only. Therefore, this Forum transferred the records of the case before the newly constituted Single Bench of the Authority in order to adjudicate the relief for refund.

(b) Subsequently, the Registry posted the complaint before the Authority for adjudication on refund and interest. The Hon'ble Authority observed that the applicant will have to choose between refund and compensation to be filed before the Authority and the Adjudicating Officer respectively and since the complaint has already been made originally for compensation in CCP No.11 of 2019, it was transferred to the Adjudicating Officer for further adjudication and the applicant was permitted one month time from the date of receipt of the order to file the complaint afresh for refund and interest before the Authority. Since the applicant is now pursuing claim of compensation and costs before this Forum, it is essential to amend the complaint to include additional pleadings on facts to substantiate her claim for the reliefs and also to receive additional documents filed along with the petitions. Hence, the petitions.

**3. Counter averments of the respondent, in brief, as follows:-**

(a) The respondent denies all the allegations in the affidavits filed in support of the petitions. The allegations are devised to suit the convenience of the applicant. The applicant is protracting the proceeding based on the decision of the Hon'ble Supreme Court in M/s. Newtech Promoters and Developers Private Ltd. Vs. State of U.P and Others and is trying to develop the case for compensation.

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It is settled law that a party cannot introduce a new case of cause of action through amendment. Therefore, the petition seeking amendment is liable to be dismissed.

(b) The applicant has not filed the documents at the earliest point of time wantonly and deliberately while filing the complaint. The applicant cannot file new documents which are not supported by the pleadings in the original complaint and the same would tantamount to expand the scope of the original complaint. The present documents are totally extraneous and unconnected to the pleading in the main complaint and hence the petition to receive the documents is liable to be dismissed with costs.

4. The points, which arise for determination, are:-

- (i) Whether the applicant is to be permitted to make amendments in the original complaint as prayed for?
- (ii) Whether the applicant is to be permitted to file additional documents ?

5. **Answer for the points :**

(a) Heard both sides. It is not in dispute that the applicant filed the complaint in Form-N before this Forum on 02.07.2018. While the complaint is pending before this Forum, the parties in the complaint went up to the Hon'ble High Court and subsequently, the case was received by this Forum for disposal according to law. The petitions filed by the applicant are for amendments in the complaint and also for receiving the additional documents.

(b) The RERA Act is a beneficial piece of legislation. The TNRERA Rules prescribes summary procedure for enquiry by the Adjudicating Officer as well as by the Authority. It is relevant here to note that in State of Punjab and another Vs.

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Shamlal Murari and another reported in (1976) 1 SCC 719, the Hon'ble Supreme Court held as follows:-

"We must always remember that procedural law is not to be tyrant but a servant, not an obstruction but an aid to justice. It has been wisely observed that procedural prescriptions are the handmaids and not the mistresses, a lubricant, not a resistant in the administration of justice".

In the decision in P. Narayanan Vs. Kasi (2009(5)CTC 822), the Hon'ble Supreme Court held that documents filed belatedly even after the stage of commencement of trial could be received and a hyper-technical approach should not be taken and the court should follow liberal approach and do complete justice by giving full opportunities to contesting parties.

(c) The learned counsels for the respondent vehemently opposed the merits of the proposed amendments and also filing of the additional documents by the applicant. The respondent is at liberty to file counter rising objections after the amendments are carried out in the main complaint. Considering all the above, it is held that the applicant is entitled to make the amendments proposed in her affidavit in the original complaint and also file additional documents in the case. Thus, the point is answered accordingly.

**In the result, both the I.A. Nos. 42 of 2022 and 43 of 2022 are allowed.**

Sd/- 02.11.2022  
G.SARAVANAN  
ADJUDICATING OFFICER  
TNRERA, CHENNAI.

