

**BEFORE THE  
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,  
CHENNAI**

**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,**

**I.A. No. 04 of 2023**

**in**

**C.C.P. No.378 of 2021**

Prestige Estate Projects Ltd.

.... Applicant / 1<sup>st</sup> Respondent

**Vs.**

1. Prathap Bathala

.... 1<sup>st</sup> and 2<sup>nd</sup> Respondents/  
Complainants

2. Vanitha Prathap

3. M/s. Prestige Property Maintenance  
Services, Chennai

.... 3<sup>rd</sup> Respondent/  
2<sup>nd</sup> Respondent

4. M/s. L&T Constructions Ltd.

.... 4<sup>th</sup> Respondent/  
3<sup>rd</sup> Respondent

**Heard on : 22.02.2023**

**Delivered on : 13.03.2023**

**ORDER**

The above application by the applicant/1<sup>st</sup> respondent praying to take up the documents filed along with the application on record is filed under Section 151 of the Civil Procedure Code.

2. **Averments of the applicant/1<sup>st</sup> respondent in brief, as follows:-**

(a). The affidavit of the authorised representative of the applicant company is filed in support of the application. The promotion of the project referred in the complaint commenced in January 2012. The CMDA had issued two partial

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completion certificates dated 08.01.2016 and 16.03.2016 for 25 out of 33 blocks contained in the project. An application for completion certificate was filed with regard to the remaining 8 blocks and the same was withheld by the CMDA for reasons not attributable to the opposite parties nor for any reason connected to the completion of the project.

(b). Subsequently, the CMDA raised demands for additional payment towards development charges and infrastructure and amenities charges. The applicant had to approach the Hon'ble Madras High Court to quash the same. The order of the Hon'ble High Court was challenged by the CMDA in the Writ Appeal which was dismissed. Subsequently, the CMDA preferred a Special Leave Petition before the Hon'ble Supreme Court. Subsequent to the litigation, the applicant was constrained to pay the revised demand with interest. The CMDA also filed a report before the Hon'ble National Green Tribunal. Therefore the applicant prays the Forum to take on record the documents for the purpose of completion of pleadings and facts. The documents reflect recent developments that have taken place subsequent to the filing of the complaint. Hence the petition.

**3. Counter Averments of the 1<sup>st</sup> and 2<sup>nd</sup> respondents :**

(a). The issue regarding completion certificate has been deliberately narrated falsely for the purpose of the petition. The application has been filed with the intention to protract the proceedings on the stage of arguments of the case. It will cause prejudice to the respondents 1 and 2. Therefore the application is liable to be dismissed with cost.

4. No counter is filed for R3 and R4.

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5. **Point for determination:**

Whether the application to file the documents is to be allowed?

6. **Answer to the point:**

(a) The learned counsel for the applicant / 1<sup>st</sup> respondent submitted that the documents filed with the petition reflect recent developments that have taken place subsequent to the filing of the present complaint and therefore could not have been filed on earlier occasion and there was no delay on the part of the applicant in bringing the documents on record before this Forum and they are connected with the project and therefore the application is to be allowed to take the documents on file of the Forum.

(b). However, the learned counsel for the 1<sup>st</sup> and 2<sup>nd</sup> respondents / complainants submitted that the issue on completion certificate has been deliberately and falsely narrated for the purpose of the petition and the incidents mentioned in the petition are within the knowledge of the petitioner at the commencement of the current proceedings and the application is liable to be dismissed with cost.

(c). The documents filed along with the petitions are regarding the proof of payment of the revised demand raised by the CMDA, completion certificates issued by the CMDA and the report of the CMDA. It is not in dispute that the documents are related that the project in dispute. Therefore, the applicant is to be allowed to file the documents in support of their case and it is just and proper to allow the petition. Thus, the point is answered accordingly.

**In the result, I.A. No. 04 of 2023 is allowed.**

Sd/- 13.03.2023  
G.SARAVANAN  
ADJUDICATING OFFICER  
TNRERA, CHENNAI.

