

**BEFORE THE TAMIL NADU REAL ESTATE
APPELLATE TRIBUNAL (TNREAT)**

**(Tamil Nadu, Puducherry, Andaman &
Nicobar Islands)**

**(Under the Real Estate Regulation
And Development Act 2016)**

DATED: 23.09.2020

**Coram : Mr.Justice B.Rajendran, Chairperson
Mr.N.Balasubramanian, Judicial Member
Ms.Leena Nair, Administrative Member**

Appeal No. 40 of 2020

1. Mr. Sethu Ragu Raman
2. Mrs. SathiyaPriya
- Appellants

-Vs-

1. M/s. XS Real Properties Private Limited
2. Mr.Prabakaran Muneeswaran Subrayalu
3. The Deputy Director,
Directorate of Town and Country Planning,
Gokulapuram, Chengalpattu. ...
- Respondents

This appeal has been preferred by the appellant against the order of the Tamilnadu Real Estate Regulatory Authority in C.No. 353 of 2019, dated 09.01.2020. This appeal was taken on file 03.02.2020 and came up for admission before this Tribunal in the presence of Advocate M/s. Ralph.V.Manohar,R.Ramana, and K. Lekha counsels for the appellant and having heard the arguments of the appellant counsel and having stood over for consideration of this Tribunal till this date and deliver the following order:

ORDER

The homebuyers are the appellants and promoter are the respondents. According to the homebuyers, they had purchased on the basis of the brochures and advertisements of the promoters. In the above said advertisements it has been stated that Viva city was perceived to be a project consisting of 7 Blocks(A,B,C,D,E,F & G) and with a total number of 352 residential units. Various amenities are also promised. The promoters obtained planning permission for construction of 4 Blocks namely Block-A consisting of 32 dwelling units and Block-B consisting of 48 dwelling units, Block-C consisting 48 dwelling units, Block-D consisting of 48 dwelling units each altogether a total number of 176 dwelling units are to be constructed, according to the approval plan. The promoter completed Block B and c and sold the residential units to various persons including the appellant. The residential units were handed over to the homebuyers in the month of April, 2017. After handing over the Block-B and C in the project of Viva City, the promoter behind the back of the purchasers had revised the original approved plan dated 07.02.2013, without the knowledge of the allottees in Block – B and C. None of the allottees were informed with regard to the new approved plan. The allottees were made to believe through the brochures and advertisements of the promoters that the project would consist of only 352 dwelling units with ample open space and broad driveways. But, now to the contrary the promoter had obtained a revised plan wherein he has proposed to construct 4 Blocks namely (A,D,E, and F) consisting of 475 of dwelling units.

2. The above said act of the promoter is against the Section 14 of RERA Act. Hence, preferred the complaint before the Authority and authority failed to

consider the case putforth by the allottees and negatived the claim of the allottees. So, this appeal.

3. Heard and perused the contention of the learned counsel for the appellant and this Tribunal comes to the conclusion that with regard to Section 14 of RERA Act is to be enquired into as there seems to be a prima facie case made out to entertain this appeal. Therefore, this Tribunal comes to the conclusion that the appeal is admitted and issue notice to the respondents returnable by 07.10.2020.

This Order is dictated to the Stenographer, transcribed and typed in the computer by him, corrected and pronounced by us in the open court on 23.09.2020.

(Sd/-XXXX)
CHAIRPERSON

(Sd/-XXXX)
ADMINISTRATIVE MEMBER

(Sd/-XXXX)
JUDICIAL MEMBER