

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

Quorum : Mr. Sunil Kumar, I.P.S (Retd), M.A, LLB, Hon'ble Single Member

C No. 84 of 2022

V.Francis ... **Complainant**

Vs.

M/s. Yes Square Foundations ... **Respondent**

Complainant : **Rep by Mr. S.A. Shanmugam, Advocate**

Respondent : **Ex-parte**

Heard on: 13.12.2022

Delivered on: 23.05.2023

ORDER

The above complaint by the complainant seeking amenities to the respondent towards purchase of the villa, Plot / House with interest, and costs is filed under section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as RERA Act).

2. Averments of the complainant, in brief, as follows:-

(a) The complainant avers that he has purchased the mentioning property under the sale deed on 14/03/2018. The construction agreement for the same was executed on 01/03/2018. The complainant has paid the entire consideration and has obtained no due from the respondent on 27/12/2018. The respondent has promised to hand over the completed apartment within 30 days from the date of receiving the no dues dated 27/12/2018, projecting the delivery to 27/01/2019. The complainant avers that the said flat has not handed over to him. The complainant further avers that in spite of several representations, the respondent had failed to hand

over the completed flat. The complainant gives the list of work which need to be completed which among others includes handing over all original documents for the electricity connections and several other incompletd work in the said flat.

(b) The respondent has failed to hand over the flat and thus violated Section 18 of the RERA Act. The complainant prays direction to the respondent to complete the work and to facilitate the name transfer of the electricity connection as also to change the Property Tax, Water Tax, and Drainage Tax in the name of the complainant. The respondent was treated as Ex-parte. However on a set aside petition filed by him, he was allowed on cost. The respondent once again failed to file Vakalat and did not participate in the adjudication process thereafter.

ORDER

(a) The complainant has registered the UDS and the sale deed was executed on 14/03/2018. The construction agreement was signed on 01/03/2018. The construction agreement stipulates the delivery of the unit on or before June 2018. The complainant has made all the payments of the consideration by 27/12/2018 and was even issued a no dues certificate by the respondent on 27/12/2018. The no dues letter further promised delivery of the unit within 30 days from the issue of the said no dues letter dated 27/12/2018. The scheduled delivery therefore works out to 27/01/2019. The respondent has failed to make delivery of the unit to the complainant as agreed.

(b) The respondent has thus violated section 18, of the RERA Act. Thus now gives the option to continue with the project and stay away seeking refund with the complainant. The complainant wishes to continue with the

project and prays for direction to the respondent for following listed in para 5 of the complaint which are as enumerated below:

(c) The petitioner prays that this Hon'ble Court forum may be pleased to direct the respondent to complete the following works:

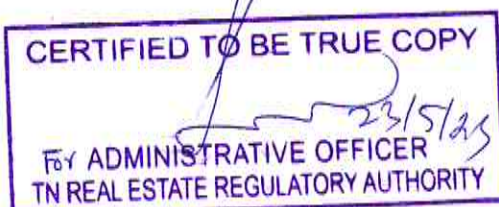
1. To facilitate the name transfer of the EB service connection and property tax, water and drainage tax.
2. Grill work as promised (upstairs and downstairs).
3. Entrance steps SS hand railing.
4. Lift work completion (lift up to car parking, AMC, insurance, power room, head room, power room side wall).
5. Underground (water leakage arresting, water collecting point with pumping motor).
6. Barbecue kitchen completion in top floor.
7. Solution for water leakage and cracks inside and outside the building.
8. Separate staircase for residence also steps up to underground from entrance.
9. Water drainage pipe for all balcony.
10. Compound wall completion.
11. Vacating the existing roadside petty shops.
12. All water pipe joints replacement.
13. Water tank closing with proper ladder (painting also).
14. Elevation as per the brochure.
15. Common electrical work (car parking).
16. Two motor for corporation water and Borewall water pumping
17. Security cabin
18. CCTV installation

19. Temple provision
20. Lift electrical room modification.
21. Safety gate for residence, Car parking gate repair with painting.
22. Cloth drying stand at terrace.
23. Shamiyana panthal provision at terrace.
24. Gym at underground.
25. Generator facility for common area and lift.
26. All original documents (land, building, approved plan, fees paid challan) has to be handed over to the petitioner.
27. The service connection for the flat purchased has to be changed to the name of the petitioner and necessary papers and other related documents has to be forwarded to the concerned electricity branch office of TANGEDCO for the same. The property tax for the flat purchased has to be issued in the name of the petitioner and all necessary papers and related documents has to be forwarded to the commissioner, Madurai Corporation.

(d) The respondent is accordingly directed to ensure compliance of all the above listed as in para c above in all respect and to ensure that the relief sought as listed at para 5 of the complaint serial Nos. 1 to 27 are attended to and relief sought by the complaint provided.

(e) The respondent shall complete the above directions within 90 days from the issue of this order.

(f) With the above findings and directions, the complaint is disposed of.



Sd/- 23/05/2023
SUNIL KUMAR, I.P.S (Retd.)
SINGLE MEMBER,
TNRERA, CHENNAI