

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

**Quorum : Mr. Sunil Kumar, I.P.S (Retd), M.A, LLB, Hon'ble Single Member
I.A. S.R. No. 182 of 2022 in
CCP No. 34 of 2021
29th April, 2022**

M/s. Shanmugam Foundation Pvt Ltd.,
Rep. by its Director, Mr. A.V. Ramasamy

....Promoter/Petitioner

-Vs-

Mrs. Mangayarkarasi

....Buyer/Respondent

The CCP.No.34/2021 pertains to a case where the buyer/respondent enter into a Joint Development agreement with the promoter/petitioner on 04.06.2010 to develop the land and construct 10 villas at their costs. The buyer/respondent was to get 30% with three constructed villas. The promoter/petitioner was entitled to 70% with seven constructed villas. The duration for construction was agreed at 36 months from 04.06.2010 and failure to deliver on the due date the buyer/respondent is to get a compensation of Rs.25,000/- per month till the handing over of the possession of the buildings. Even after 10 years, the promoter/petitioner failed to keep up the commitment to handover the apartment.

The first notice was issued on 09.04.2021. There were initial efforts to enter into a settlement in this CCP.No. 34/2021 which saw three hearing on 15.06.2021, 05.08.2021, 30.09.2021 but no settlement could be achieved nor was counter filed by the promoter/petitioner. On 16.11.2021 the proof affidavit of the buyer/respondent was filed and Ex.A1 to Ex.A9 marked. Subsequently, again in the hearing on 21.12.2021, the promoter/petitioner remained absent. On 25.01.2022 again the promoter/petitioner did not turn up. On 22.02.2022 when

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CCP.No. 34/2021 was posted for arguments, the promoter/petitioner preferred an I.A S.R. No. 182/2022 for filing proof affidavit which was allowed with the cost of Rs.1,000/- to be paid to the buyer/respondent in the interest of justice. Once again, when CCP.No. 34/2021 was posted for arguments just a week later on 29.04.2022 the promoter/petitioner filed another I.A requesting for filing some additional documents. The CCP.No. 34/2021 was thus getting adjournment from 25.01.2022 till 29.04.2022 at the stage of arguments during which time also I.A was allowed where the promoter/petitioner was allowed to file the proof affidavit despite he having failed to be present for two hearings on 21.12.2021 and 25.01.2022.

The present I.A S.R. No. 182/2022 is not being allowed to prevent repeated delays in disposing of the summary trial case. It may also be mentioned that this case dates back to 04.06.2013. Moreover, the promoter/petitioner still has a chance to present his case points in the form of written arguments and oral arguments which is still left to be completed.

In the result, I.A S.R No. 182 of 2022 is not allowed.

Sd/- 29.04.2022
Mr. SUNIL KUMAR, I.P.S (Retd)
SINGLE MEMBER BENCH
TNRERA,CHENNAI



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

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

I.A. S.R. No. 182 of 2022 in CCP No. 34 of 2021

AMENDED

14th June, 2022

M/s. Shanmugam Foundation Pvt Ltd.,
Rep. by its Director, Mr. A.V. Ramasamy

....Promoter/Petitioner

-Vs-

Mrs. Mangayarkarasi

....Buyer/Respondent

ORDER

It is noticed by the Authority that in I.A. S.R. No. 182 of 2022 in CCP.No. 34 of 2021, the following changes in Page No. 2, Line No. 2, the correct I.A. S.R. No. is 95/2022.

Other part of the order shall remain intact.

Sd/- 14.06.2022
Mr. SUNIL KUMAR, I.P.S (Retd)
SINGLE MEMBER BENCH
TNRERA,CHENNAI

