



**BEFORE THE TAMIL NADU REAL ESTATE  
REGULATORY AUTHORITY (TNRERA)  
(Tamil Nadu, Andaman & Nicobar Islands)  
at Egmore, Chennai – 600 008**

**[Under the Real Estate (Regulation and Development) Act, 2016]**

**C.No.213/2019**

**13<sup>th</sup> day of August, 2020**

**Coram : Thiru K. Gnanadesikan, I.A.S. (Retired), Chairperson  
Er. S. Manohar, Member  
Adv. V. Jeyakumar, Member**

Tmt. Saraswathi Ramu (POA holder & Authorised person for Dr.Bhavadharini Ramu & Dr.Avinash Mysore Srikanth) ... Complainant

**Versus**

M/s. Kgeyes Residency Pvt. Ltd. ... Respondent  
Represented by its Managing Director. ...

These Complaints came up for final arguments before this Authority in the presence of M/s.Ralph V.Manohar & R.Ramana – Counsel for Complainants and of M/s. Nithyaesh & Vaibhav, Nithyaesh Nataraj Vaibhav R. Venkatesh – Counsel for Respondent and upon hearing the arguments of all the parties, this Authority passes the following.

**FINAL ORDER**

According to the Complaint, the Respondent had entered into an construction agreement with the Complainant in December, 2016 with an undertaking to hand over the flat in the 3<sup>rd</sup> floor viz. 3A, 1, 7<sup>th</sup> Avenue,

Besant Nagar, Chennai-90 in March 2017 or even earlier, as promised in other offer letters and communications. Till the date of Complaint (08.10.2018), the flat has not been handed over. The Respondent has not been able to obtain Completion Certificate from CMDA on account of various reasons.

2. The Complainant has sought the following reliefs:

*Relief(s) sought:*

- A. Pass an Order directing the Respondent to immediately register the Project with TNRERA, if not already done.*
- B. Pass an Order declaring that the project is deemed to have been registered with TNRERA.*
- C. Pass an Order directing the Respondent to handover the flat before 31.10.2018 with all approvals and all amenities.*
- D. Pass an Order to pay interest on cost of acquisition being Rs.1,70,01,916/- out of which on Rs.1,67,50,000/- from 01.04.2017 and on Rs.2,51,826/- from 01.06.2017, till handover of the flat as per TNRERA rules on interest, till date of handover.*
- E. Pass an Order directing the Respondent to pay Rs.16,000/- per month being rent paid by the Complainant in his current residence from 01.04.2017 till date of handover.*
- F. Pass an Order directing the Respondent to pay compensation of Rs.25 Lakhs to the Complainant for the mental agony and hardship suffered.*

*And pass such and further Orders as the Hon'ble TNRERA may deem fit under the facts and circumstances of this Complaint and thus render justice.*

*Interim Order, if prayed for:*

*Pending final decision on the complaint, the Complainant seeks issue of the following interim order:*

*Order for immediate interim payment by the Respondents to the Complainants, of proportionate amount specified in para-5 above under Relief claimed for the period from 01.04.2017 to 30.09.2018.*

3. Subsequently, the Complainant has filed a memo on 09.03.2020 stating that the Adjudicating Officer has passed Orders for payment of interest, etc. in C.C.P.No.253/2019 and sought orders only on other reliefs prayed for in the Complaint.

4. In the Counter Affidavit, the Respondent has denied the allegation and has referred Clause-4 of the Agreement between the parties which states that the delay in obtaining sanctions of various Authorities shall not be construed as delay in construction and completion thereof. The Respondent has also stated that the Completion Certificate from CMDA has been obtained vide its letter dated 03.07.2019.

5. The Complainant and the Respondent have filed written submissions of their arguments. The Respondent has stated that Metro water, Sewerage connections have been obtained and EB meters have been fixed and EB cards have been obtained in the name of the individual flat owners. Also the Respondent has stated that as there is no transformer in TNEB, they have given direct connection from nearby pillar. As soon as the transformer is delivered by TNEB it will be erected at the site. The Respondent has also stated that the common amenities like security intercom and water pressure pump were also provided.

6. The Respondent has further submitted that the Complainant owes the Respondent a sum of Rs.1.67 lakhs.

7. The Authority has examined the Complaint, Counter Affidavit filed by the Respondent, Memos and Affidavits filed by the Complainant, Additional Counter Affidavits filed by the Respondent, Arguments followed by written submissions by both the Complainant and the Respondent, carefully.

8. It is undeniable that there has been delay in obtaining Completion Certificate and handing over of apartment after completing in all respects along with all common amenities as promised in the construction agreement. The Adjudicating officer has already passed orders regarding payment of interest by his order dated 28.02.2020 in C.C.P.No.253/2019. As the Respondent has registered the project with TNRERA, the prayer of the Complainant has already been complied with.

9. Therefore, this Authority directs the Respondent to ensure completion of apartment in all respects and handing over with all amenities as promised in the construction agreement without further delay and before 31.08.2020 if not already handed over. Any due from the buyer has to be strictly as per the construction agreement after taking into account the amount payable by the Respondent as per the orders of the Adjudicating Officer.

10. With these directions, the complaint is disposed of.

Sd/-...13.08.2020  
MEMBER (M), TNRERA

Sd/-...13.08.2020  
MEMBER (J), TNRERA

Sd/-...13.08.2020  
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER/

13.8.2020  
ADMINISTRATIVE OFFICER (i/c)