



**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. 245 of 2019**

6th day of November 2019

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

Thiru T.D. Dinesh Mohamed

...Complainant

Versus

M/s. Real Value Promoters Pvt. Ltd.

...Respondents

This complaint came up for final arguments before the Authority in the presence of the Complainant and Thiru G. Baskaran - Counsel for the Respondent and upon hearing the arguments of both the parties, this Authority passes the following order.

FINAL ORDER

The Complainant has booked flat in "NEELKAMAL" project at Kazhipattur village, Chengalpattu Taluk, Kancheepuram District developed by the Respondent.

2. The Agreement for the project promotion and construction between the Complainant and the Respondent was made on 24.02.2011. The Sale Deed for the undivided share was executed on 02.08.2018.

3. The Complainant has sought the following reliefs.

- i. Completion and handing over of the apartment with all the committed amenities.
- ii. Compensation on account of the delay from July, 2013.

4. The Respondent had submitted in their letter dated 10.04.2019 that the project "NEELKAMAL" is a completed project and not registered under RERA. The Respondent has also added that the flat booked by the Complainant is almost ready and needs some final touches and the Respondent will be able to hand over possession by 10.05.2019. He had also enclosed some of the photos of the flat in this letter.

5. The Respondent has also submitted that the stage payment letter sent on 20.10.2015 asking the Complainant to release the final stage payment of Rs.80,006/- was not received by the Respondent.

6. The Complainant in his Affidavit filed on 15.05.2019 has submitted that the following needs to be attended and rectified in the flat.

- a) Main Door handle, Door glass viewer to be fixed.
- b) The door for the wash room should be seasoned timber frames as per agreement. The door for the wash room / toilet is of PVC.
- c) Wash room and toilet window glass pane to be fixed.
- d) Bathroom strainer, jet pipe not provided in the toilet.

- e) Painting to be touched up in all rooms and doors inside the flat.
- f) Electricity Meter / connection for the flat is not fixed and there is no electricity in the flat. Electricity card to be provided.
- g) Fire fighting safety installation within the flat not done.
- h) One piped gas connection point not provided inside the flat.
- i) Second Lift not installed. Only one lift is available now
- j) Sewerage treatment plant.
- k) Fire fighting system
- l) RO plant
- m) Piped gas connection
- n) Allotment of car parking space
- o) Construction of compound wall, landscaping
- p) Power back up for common facilities
- q) Common sump, overhead tanks, bore well
- r) Gym
- s) Joggers track
- t) Indoor games room
- u) Creche
- v) Departmental store
- w) Outdoor area for kids
- x) Clinic

- y) Ladies corner
- z) Multipurpose hall
- aa) Servant / driver rest room

7. The Respondent had submitted that the Affidavit filed on 19.06.2019 submitting a deed of undertaking for the purpose of completion of common amenities of the project.

8. In this deed of undertaking, the Respondent has submitted that the project is almost completed and possession handed over for more than 230 customers out of total number of flats numbering 551.

9. The project consists of 5 blocks and all the blocks have common amenities like EB connection, Gen-set, Water supply, etc. The Respondent had also submitted their plan of action and timeline for other amenities and facilities.

- a. Sewage Treatment Plant (STP) will be completed by November, 2019
- b. R.O. Plant present TDS is very high and installation of R.O. Plant is not feasible.
- c. Piped Gas connection will be provided, when all the customers occupied the flats. We need to discuss with the owners of the flats along with the suppliers to find out the lowest bidder to finalise the same.
- d. In all the 5 Blocks lifts are installed.
- e. Fire safety system will be installed by November, 2019.

10. The Complainant in his Affidavit dated 11.07.2019, questioned the inability of the Respondent to provide RO Plant since he has ascertained that in the neighborhood project area fresh water is available and if R.O. Plant is installed it will be able to function satisfactorily.

11. In their additional Counter Affidavit filed on 03.09.2019, the Respondent had submitted that as per the laboratory report, total dissolved solids stage of water in Kazhipattur village was 4813 and therefore, the cost of operating R.O. Plant will be very high.

12. The Authority has examined the Complaint and further submissions made by the Complainant and the Counter Affidavit and further submissions made by the Respondent carefully.

13. The main prayer of the Complainant is to complete the apartment and hand over early possession along with all the committed amenities.

14. A perusal of the agreement for the project promotion and construction between the Complainant and the Respondent indicates that only a bore well or well will be provided for the basic fulfillment of the ground water without any assurance for the quality and quantity.

15. The Respondent shall complete all the committed amenities by November, 2019 and shall hand over the flat booked by the Complainant before 31.12.2019 after getting the balance amount payable by the Complainant as per the agreement. Therefore, the Complainant should take over possession of the flat along with all the committed amenities excluding the R.O. Plant.

16. With this direction, the Complaint stands closed.

Sd/-...06.11.2019

MEMBER(M),TNRERA

Sd/-...06.11.2019

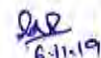
MEMBER(J),TNRERA

Sd/-...06.11.2019

CHAIRPERSON,TNRERA

/TRUE COPY/FORWARDED/BY ORDER


ADMINISTRATIVE OFFICER


6-11-19

p.t.o.