



**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.285, 286 & 288/2019**

**10<sup>th</sup> day of February 2020**

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

<b>Tvl.</b>	<b>Complaint No.</b>	
1. Mrs.Shoba Lalshmi Narasimha Prabhu	285/2019	Complainants
2. G.Sridhar – Represented by his father and GPA S.Gopalakrishnan	286/2019	
3. A. Prabhu represented by his father S.Anbalagan	288/2019	

**Versus**

M/s. Real Value Promoters Pvt. Ltd.,  
Represented by its Managing Director,  
Thiru V.S.Suresh

Respondent

These Complaints came up for final arguments before this Authority in the presence of the Complainants having appeared in person and the Respondent Company having represented by its authorized representative and upon hearing the arguments of all the parties, this Authority passes the following order.

## **FINAL ORDER**

The above three Complainants are allottees of apartments in the Project "Neel Kamal" being developed by the Respondent at Kalipattur village, Chengalpattu Taluk, erstwhile Kancheepuram District.

2. Accordingly to the Complainants, there has been inordinate delay in constructing and completing the apartments in all respects including common amenities as per the agreement for the project promotion and construction.

3. The reliefs prayed by the Complainants are completion and handing over of the apartments with committed amenities, compensation for the delay, etc.

4. According to the Complaint No.285/2019, the apartment ought to have been completed and handing over possession in June 2013 and there has been delay of more than six years as of now.

According to this Complainant, the apartment has been bought and mortgage loan from HDFC Bank and all the payments to the Respondent were made systematically till the penultimate installments and the last installment held back since hand over commitment was not met by the Respondent.

5. In respect of Complaint No.286/2019, the Complainant has stated that the apartment cost has been paid full, but he is yet to get the possession of the apartment.

6. In respect of Complaint No.288/2019, the Complainant has stated that the Respondent has not handed over the apartment in spite of having no dues to the Respondent Developer.

7. In the Counter Affidavits filed by the Respondent on 11.07.2019, in respect of Complaint No.285/2019, the Respondent has stated that all the works, barring few, are over towards completion of the project and that the booked flat would be handed over to the Complainant within two months period. In respect of committed amenities as per the agreement, the Respondent Company undertook to fulfill the same before November, 2019.

Similar submissions have been made by the Respondent in the Counter Affidavits in respect of other two Complaints.

8. In the Additional Counter Affidavits filed by the Respondent on 22.07.2019, the Respondent has taken the stand that the "Neel Kamal" project is completed as shown in the DTCP website and the flats will be handed over to the allottees within 31.08.2019.

9. In the Additional Counter Affidavit filed by the Respondent on 04.09.2019, the Respondent has submitted that the flat will be handed over to Mrs. A. Shoba of Complaint No.285/2019 by November, 2019 with amenities like Sewage Treatment Plant, Piped gas and lifts. He has further submitted that R.O. plant is not feasible based on the current water test certificate from TWAD dated 26.07.2019. The Respondent has also stated that the EB application is already given and is under process.

10. In respect of Complaint No.286/2019, the Respondent has stated in Additional Counter Affidavit filed on 04.09.2019 that the flat will be handed over within 16.09.2020.

11. In respect of Complaint No.288/2019, the Respondent has submitted that the flat will be handed over within 10.09.2019.

12. In the letter dated 17.10.2019 addressed to this Authority, the Respondent has stated that the electricity service connection application has been applied in respect of these three Complaints on 31.08.2019 and enclosed the advice slips issued by the TANGEDCO.

13. In the final submission made by the Complainant in Complaint No.285/2019, the Complainant has stated that the apartment in Block-5 -1(C) is not in habitable condition, unsafe and incomplete as per the agreement. The Complainant has also submitted that the following works are still pending.

*Apartment construction works pending as on 11.11.2019*

- i. Final Coat of painting work is not completed.*
- ii. No Electricity, water, sewage and piped gas connections available.*
- iii. EB card to be provided in the name of the Complainant.*
- iv. No fire safety measures in place and fire safety certificate obtained.*
- v. No fully functional second elevator.*
- vi. No lift safety and operations certificate obtained.*
- vii. Scaffolding removal is pending and possesses risk of causing fatal accidents.*
- viii. Diesel Genset provision.*

*Amenities incomplete and not available are as follows as of 11.11.2019*

- i. Paved approach road, which is unsafe especially during rainy season*
- ii. Car parking space not allocated and marked*
- iii. Pavements not completed around the building and manholes not closed properly creating an unsafe environment*
- iv. Sewage Treatment Plant not available*
- v. Compound wall is not constructed making it unsafe for family dwelling*
- vi. Lamps and Lighting not available and are inadequate in common areas making it unsafe during nights.*
- vii. Power back up for common utilities.*
- viii. Piped Gas connection*
- ix. Play area*
- x. Club House*
- xi. Gym*
- xii. Joggers track*
- xiii. Multipurpose Hall*
- xiv. Departmental store/Super market*
- xv. Creche*
- xvi. Clinic*
- xvii. Ladies corner*
- xviii. Indore Games Room*
- xix. RO Plant*
- xx. Solar water heating Systems*
- xxi. Window Grills not installed in the landing levels of the staircases making it unsafe for users.*



14. In the Additional Affidavit filed by the Respondent on 25.11.2019 in response to the final submissions made by the Complainant in Complaint No.285/2019, the Respondent has stated that the Complainant has to pay a sum of Rs.95,874/- towards balance amount for the said flat. The Respondent has also submitted that there are more than 160 occupants living for the past 2 – 4 years and has assured that the Complainant will be provided with all the basic amenities required for their flat.

15. The Respondent has further submitted that as per the agreement signed by the Complainant on 10.05.2010, the common amenities committed are only Bore Well or Well without any assurance for the quality and quantity. The EB application already given is under process. The flat has been completed in all respects which was informed to the Complainant during the hearing on 16.09.2019.

16. The Authority has examined the Complaints, the Counter Affidavits and Additional Affidavits filed by the Respondent and the final submissions and arguments made by the Complainants and the Respondent carefully.

a) It is undeniable that there has been inordinate delay in constructing and completing the apartments with the committed amenities by the Respondent.

Even though the Respondent has taken the stand that the project is structurally completed and finds place in the DTCP website in the list of structurally completed projects, the fact remains that the common amenities like electricity service connection and sewage treatment plant are still not completed and provided.

Therefore, in consonance with the rulings of the Hon'ble Appellate Tribunal in Appeal No.1/2018, this Authority has no reason to differ with the contention of the Complainant in Complaint No.285/2019 that the apartment is not in a habitable condition. Hence, this Authority concludes that this project is still incomplete and has to be considered as an ongoing project.

Therefore, this Authority directs that this project has to be registered with this Authority immediately.

- b) This Authority also directs that all the common amenities like Sewage Treatment Plant and Electricity service connection from TANGEDCO shall be provided by the Respondent before 28.02.2020 and the apartments shall be handed over after completing them in all respects as per the specifications in the agreement entered with the allottees.
- c) The Complainants are at liberty to move application in Form-N to the Adjudicating officer of this Authority for claiming interest on delayed construction, compensation, etc.

Sd/-....10.02.2020  
MEMBER (M), TNRERA

Sd/-...10.02.2020  
MEMBER (J), TNRERA

Sd/-...10.02.2020  
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

*ed*  
*20/2/2020*  
ADMINISTRATIVE OFFICER  
*N. N...*  
*20/2/2020*