



**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.405/2019

5th day of December, 2019

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

Thiru T.Ashok Raj and A.Sumitha] Complainants

Versus

- | | | |
|----------------------------------|---|-------------|
| 1. M/s.Palace Gardens Chennai |] | |
| SEZ Pvt. Ltd. |] | |
| 514 Dalamal Towers, FPJ |] | |
| Marg, Nariman Point, |] | |
| Mumbai 400021. |] | |
| |] | |
| 2. M/s.Hiranandani Parks |] | |
| Chennai, Triveni Nagar, |] | |
| Oragadam, Singaperumalkoil, |] | Respondents |
| Kancheepuram District |] | |
| PIN - 603204. |] | |
| |] | |
| 3. M/s. EVITA Constructions Pvt. |] | |
| Ltd, |] | |
| 514 Dalamal Towers, FPJ |] | |
| Marg, Nariman Point, |] | |
| Mumbai 400021 |] | |

This Complaint came up for final arguments before the Authority in the presence of M/s. S.Muthukumar and Mr.R.A.Ashok Kumar – Counsel for Complainants and of M/s. S.Vijayakumar, Mr. P.Senthil Kumar, Mr.Y.Rajesh for Respondent No.3 and no representation having been made for Respondent No.1 and 2 and the 1st Respondent Company being wound up and is vested with Official Liquidator, Hon'ble High Court of Bombay and upon hearing the arguments of all the parties this Authority passes the following order.

FINAL ORDER

The Complainant had booked a flat No.401 in the project named as Modena-1 at Hiranandani Palace Gardens, Thiruvani Nagar, Chennai-603 204 by making certain payments in 2011.

2. There was no progress in the project and the communications to the 1st Respondent Company were returned undelivered. The 2nd Respondent sent a mail dated 25.01.2015 about the changes of construction of flat and asked the Complainant to purchase the plots under the Layout promoted by the 2nd Respondent.

3. Then the Complainant came to know that the 1st Respondent had appointed the 3rd Respondent M/s. Evita Constructions Pvt. Ltd. to develop the construction of flats and also to promote layout plots in favour of the customers of the 1st Respondent.

4. The 3rd Respondent had sent a draft MOU to be signed by the Complainants for the purchase of the plot. Further, the sale price of the plot is abnormally increased to about four times than the price prevailing in the market.

5. The 3rd Respondent has registered under RERA vide Registration No.Tamil Nadu/01/layout/0046/2018. Till today there is no intimation from the Respondents to the Complainant as to the status of their flat.

6. The Complainants have prayed that the Respondents be directed to hand over the flat No.401 as specified in the allotment letter dated 27.06.2011.

7. The 3rd Respondent in its Counter Affidavit filed has stated that the said complaint is not related to the project Hiranandani Parks and the Complainants never had any transaction with the 3rd Respondent or its subsidiaries.

8. The 3rd Respondent had submitted that the complainants had entered into transaction with M/s. Palace Gardens Chennai SEZ Pvt. Ltd. which is under liquidation.

9. The 3rd Respondent has further submitted that during the proceedings held on 23.09.2019 by this Authority, it was informed that the official liquidator appointed for the 1st Respondent has given detailed reply.

10. The 3rd Respondent has submitted that the amount deposited by the Complainants with the 1st Respondent which is under liquidation and can now be claimed from the office of the Official Liquidator, Bombay. He has also stated that some other customers have also filed their claim for receiving their deposit amount from the Official liquidator.

11. The 3rd Respondent has prayed that further proceedings against M/s. Hiranandani Parks and M/s. Evita Constructions Pvt. Ltd. be dropped and the Complainants may be directed to approach the Official Liquidator, High Court of Bombay for appropriate relief by filing the claim for the amount deposited.

12. In the circumstances discussed above, the Authority directs the Complainants to make necessary claim before the Official Liquidator, Hon'ble High Court of Bombay.

13. With this direction this complaint stands closed.

Sd/-...05.12.2019
MEMBER(M),TNRERA

Sd/-...05.12.2019
MEMBER(J),TNRERA

Sd/-...05.12.2019
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. [Signature] 5/12/19
ADMINISTRATIVE OFFICER

[Handwritten initials]