



**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.412/2019  
5<sup>th</sup> day of November, 2020**

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

Thiru Vignesh Karthikeyan, ... Complainant  
Rep. by Mrs. Devika Karthikeyan, GPA  
Door No.11, Flat No.6, First Avenue,  
Shastri Nagar, Adyar,  
Chennai – 600 020

**Versus**

M/s. VJS Associates ... Respondent  
Rep. by its Partner Mr.M.N.Vijayanathan

---

This Complaint came up for final hearing before the Authority in the presence of M/s. M.V.Vijaya Baskar, N.Fidelia – Counsel for Complainant and the Respondent having remained absent and set ex-parte, this Authority pass the following order.

**FINAL ORDER**

The Complainant has entered into a contract with the Respondent Promoter through a construction agreement for a flat at No.40(old),

No.99(New), Kamaraj Avenue, IInd Street, Variar Colony, Pallipattu village, Adyar, Chennai-600 020 for constructing a flat measuring 1110 sq.ft. for Rs.1,08,14,000/- and also registered as Sale Deed for the UDS of 558 sq.ft. on 10.12.2014 after paying an amount of Rs.90,86,000/- Out of the contracted amount for the construction of flat, the Complainant has paid Rs.1,75,99,561/-

2. The Agreement for construction of flat has been registered on 27.10.2014. The Complainant has further stated that the flat is not yet completed which was promised to be done by the Promoter within 15 months from 27.10.2014.

3. The Complainant has prayed that the Respondent Promoter be directed to complete the construction of the flat and hand over the possession.

4. The Authority conducted hearings on 30.09.2019, 18.10.2019, 21.11.2019, 14.02.2020 and 30.07.2020. The Respondent did not appear either in person or through the Authorised Representative or Counsel in any of these hearings in spite of sending notices to the Respondent.

5. For the first hearing, the Registry reported that notice sent to the Respondent has been returned undelivered. In the 2<sup>nd</sup> hearing held on 18.10.2019, the Counsel for the Complainant submitted that the Complainant attempted to serve notice to the Respondent in 3 known addresses but could not succeed. He also submitted that all the registered posts with acknowledgement due sent through the postal department have been returned undelivered.

6. The Registry was directed to send notice to another address which has been given by the Respondent Promoter in a civil suit namely Plot No.1-04, Second Main Road, Krishnan Nagar, Perumbakkam, Chennai-600 100.

7. In the next hearing on 30.07.2020, the Registry informed that notices sent to the Respondent have been returned undelivered. The Counsel for the Complainant has also submitted that their efforts to serve notices by private services have not been materialized as the notices sent to the Respondent have been returned undelivered.

8. Thus, it is clear that several opportunities have already been given to the Respondent Promoter to file Counter Affidavit in respect of this Complaint which the Respondent has not done so far.

9. Therefore, this Authority passes orders ex-parte directing the Respondent Promoter to complete the construction of flat booked by the Complainant in all respects as per the Agreement for construction of flat dated 27.10.2014 and hand over the same to the Complainant before 30.11.2020.

10. The Complainant is at liberty to move the Adjudicating Officer of TNRERA for interest on delayed construction and compensation, etc.

11. With these directions, this Complaint is disposed of.

Sd/-...05.11.2020

MEMBER (M), TNRERA

Sd/-...05.11.2020

MEMBER (J), TNRERA

Sd/-...05.11.2020

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

etc.

*N. Anand*  
5/11/2020  
ADMINISTRATIVE OFFICER