



**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.443 of 2019

27TH day of February, 2020

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

Thiru S.Sudhakar] Complainant

Versus

M/s. Fairyland Foundation Pvt. Ltd.] Respondent

This Complaint came up for final arguments before this Authority in the presence of the Complainant having appeared as party in person and of M/s. Mu. Sajith Chambers, Mr. K.Ramamoorthy - Counsel for Respondent and upon hearing the arguments of both the parties this Authority pass the following order.

FINAL ORDER

The Complainant Thiru S. Sudhakar has stated that he has purchased a plot from the Respondent. He has stated that no provision was made for splay, despite of being a corner plot. Therefore, the

Respondent has to correct the dimensions complying with CMDA norms for splay and re-register the correct size of the plot to him.

2. The Complainant has prayed that the cost of splay land may be paid by the Developer and all expenses on account of this may be borne by the Developer.

3. The Respondent in the Counter Affidavit has submitted that the Complainant had booked Plot No.29 in Tellus Avenue situated at Ottiyambakkam village on 07.01.2019 for Rs.2627/- sq.ft. but later the Complainant had changed to Plot No.PP-10 for cost of Rs.2725/- per sq.ft.

4. The Respondent has further submitted that they have registered 1000 sq.ft. instead of 987.5 for the Plot No.PP-10 at Ottiyambakkam Main Road comprised in S.No.241/1 of Ottiyambakkam village, previously Tambaram Taluk, presently Sholinganallur Taluk, Kancheepuram District, duly approved by CMDA vide approval No.72/2018 situated within the Sub Registration District of Selaiyur and Registration District of South Chennai, due to oversight, they have missed to subtract the splay area of 12.5 sq.ft. The Complainant taking advantage of their mistake, demanded the balance amount of

Rs.34,062.50 immediately and to do the registration of rectification deed later. The Respondent had informed the Complainant that they are ready to pay the balance amount of Rs.34,062.50 by way of DD on the date of registration of rectification deed. The Respondent had further conveyed to the Complainant that the cost of the registration of the rectification deed will be borne by the Respondent.

5. The Complainant has filed reply to the Counter Affidavit of the Respondent and has prayed that the Respondent may be ordered to pay him the expenses amounting to a sum of Rs.90,845.07 and execute the rectification deed at the cost of Respondent.

6. The Authority has examined the Complaint, Counter Affidavit of the Respondent, the Reply Affidavit of the Complainant and arguments carefully.

7. In as much as the Respondent is ready for execution of the rectification deed and also to pay the balance amount of Rs.34,062.50 on the date of registration of the rectification deed to the Complainant, the Authority directs the Respondent to do so before 31.03.2020.

8. The cost of registration for execution of rectification deed shall be borne by the Respondent.

9. The interest for the splay land cost may also be paid by the Respondent to the Complainant at the rate of 10.15% per annum as per TNRERA Rules for the period from the date of payment of the land cost till the date of payment of splay land cost.


10. With these directions, the Complaint stands closed.

Sd/-...27.02.2020
MEMBER(M),TNRERA

Sd/-...27.02.2020
MEMBER(J),TNRERA

Sd/-...27.02.2020
CHAIRPERSON,TNRERA

/TRUE COPY/FORWARDED/BY ORDER


ADMINISTRATIVE OFFICER


27/2/2020