



**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]

E.P. No.5/2019 in C.No. 45/2018

28th day of November, 2019

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

Tvl. Col. R. Ganesan

Execution Petitioner /
Complainant

Versus

1. Army Welfare Housing Organisation, South Hutments, Kashmir House, Rajaji Marg, New Delhi - 110011
2. The Project Director, Army Welfare Housing Organisation, Coimbatore (Raman Vihar) Project, Anna Nagar, Chinnavedampatti, Coimbatore-49
- Respondents

This Execution Petition, in Complaint No.45/2018 came up for final arguments before the Authority in the presence of the Complainant appeared as party in person and of Thiru R.Nanjundan – Counsel for Respondent-1 and of Col.K.P.Haran, Deputy Director of the Project

appeared for Respondent-2 and upon hearing the arguments of both the parties this Authority passes the following order.

FINAL ORDER

Col. R. Ganesan, the Complainant in C.No.45/2018 has filed an Execution Petition to direct the Respondents (i) Army Welfare Housing Organisation and (ii) the Project Director, Army Welfare Housing Organisation, RAMAN VIHAR, Anna Nagar, Chinnavedampatti, Coimbatore to execute the order dated 30.10.2018 passed by this Authority forthwith.

2. It is seen that in the order dated 30.10.2018 in Complaint No.29, 33, 34 and 45/2018, this Authority held that RAMAN VIHAR Project of Army Welfare Housing Organisation, Coimbatore is an ongoing project and accordingly directed the AWHO to register the project with TNRERA within 15 days from the date of this order.

3. The Respondent AWHO represented by its Project Director, RAMAN VIHAR AWHO Project, Chinnavedampatti Post, Coimbatore-49 had appealed against the order of this Authority in the Hon'ble Appellate Tribunal. The Hon'ble Appellate Tribunal in its order dated 20.03.2019 in Appeal No.1/2019 had dismissed the Appeal in the admission stage itself as not admissible.

4. Against the order of the Hon'ble Appellate Tribunal, the AWHO represented by its Project Director, RAMAN VIHAR, AWHO Project, Chinnavedampatti, Coimbatore has filed 2nd Appeal in the Hon'ble High Court of Madras. In the Counter Statement filed by the Project Director, AWHO, RAMAN VIHAR project, Coimbatore, had stated that the

Respondent has filed an Appeal before the Hon'ble High Court on 03.06.2019. The Registry of the Hon'ble High Court of Madras has acknowledged the receipt of the said Appeal vide SA SR No.66010/2019. The said Appeal is in the process of admission before the division bench of the Hon'ble High Court of Madras.

5. During the hearing on the Execution Petition, the Execution Petitioner submitted that the 2nd Respondent should register the project with TNRERA since he has not got stay from the Hon'ble High Court of Madras.

6. This Authority, therefore, directs the 2nd Respondent – the Project Director, AWHO, RAMAN VIHAR Project, Anna Nagar, Chinnavedampatti, Coimbatore to register the project with this Authority immediately without further loss of time in compliance of the orders of this Authority dated 30.10.2018 and the order of the Hon'ble Appellate Tribunal dated 20.03.2019 subject to outcome of the 2nd Appeal filed by the Respondent in the Hon'ble High Court of Madras.

7. In case the Respondent succeeds in the 2nd Appeal in the Hon'ble High Court of Madras, the registration fee for registration of this project with the Authority will be refunded.

8. With these directions, the Execution Petition is disposed of.

Sd/-....28.11.2019
MEMBER(M),TNRERA

Sd/-...28.11.2019
MEMBER(J),TNRERA

Sd/-...28.11.2019
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER


ADMINISTRATIVE OFFICER

