



**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.1/2020 in C.No.21/2018, E.P.No.3/2020 in C.No.25/2018,  
E.P.No.4/2020 in C.No.26/2018, E.P.No.5/2020 in  
C.No.27/2018, E.P.No.6/2020 in C.No.66/2018 &  
E.P.No.7/2020 in C.No.351/2019**

**21<sup>st</sup> day of March, 2022**

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

<b>Name of the Execution Petitioners/Complainants (Thiruvallargal)</b>	<b>E.P.No./C.No.</b>	
1) S. Krishna Kumar Representing Block Ninety Flat Owners Association, K.K. Nagar	E.P.No.1/2020 in C.No.21/2018	]
2) R. Pradeepa Rep. by GPA S. Krishnakumar	E.P.No.3/2020 in C.No.25/2018	]
3) Ragavan Sriraman Rep. by GPA Thiru V. Raghavan	E.P.No.4/2020 in C.No.26/2018	]
4) Udayakumar Selvam Rep. by GPA S. Krishnakumar	E.P.No.5/2020 in C.No.27/2018	]
5) S. Murugappan Rep. by GPA R.M. Muthiah	E.P.No.6/2020 in C.No.66/2018	]
6) Sriraman	E.P.No.7/2020 in C.No.351/2019	]

Execution  
Petitioners/  
Complainants

Versus

M/s. Green Peace Constructions Pvt. Ltd.	]	Respondent/
Represented by its Managing Director	]	Respondent
Thiru P.R. Earnarst	]	

These Execution Petitions came up for final hearing before this Authority in the presence of Ms.Hema Srinivasan, Ms.S.Shamili, and Ms.N.Uma yaparvathi – Counsel for the Execution Petitioners/Complainants and of Mr.K.Venkatesh and Mr.V.Mani Maran – Counsel for the Respondent and upon hearing the arguments of both the parties, this Authority passes the following order:

### **ORDER**

In the above Execution Petitions, the Petitioners/Complainants have submitted that this Authority by its order dated 17.10.2019 has (i) permitted the Association to take over the remaining construction and complete the project and to restrain the Respondent from proceeding further in the project and (ii) directed the Respondent to remit the funds available with the Company, the amounts collected minus the expenditure into the Association's bank account.

2. The Petitioners/Complainants have also submitted that though 60 days have elapsed since the order of this Authority, the Respondent is yet to remit funds into the Association's bank account and has, despite several requests from the Association, refused to provide the Association with documents, which would enable us to continue construction. The Petitioners/Complainants have also submitted that the Association sent

another letter dated 01.11.2019, attached herewith and marked as "Annexure 4", pointing out that CMDA planning permit for the Project was set to expire on 02.12.2019 and requested the Respondent to immediately submit all original documents, including but not limited to the project permit, the sanctioned plan and receipts for payments remitted to the CMDA, etc. The Respondent again chose not to respond to the aforementioned letters.

3. The Petitioners/Complainants have further submitted that the Respondent on 15.11.2019 had only handed over the originals of the following documents (i) orientation sketch, (ii) demolition approval plan (iii) Planning permit (iv) building permit (v) building permit plan and (vi) TNRERA registration certificate. But only chose to provide and copies of some 16 documents (such as JDA, power etc.), but none of the original title documents has been handed over till date by the Respondent. In these circumstances, the Petitioners have no choice but to approach this Authority for enforcement of order under sections 40(2), 63, 69 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 27 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017. The Petitioners/Complainants have further submitted that in the light of the above facts and circumstances, the Petitioners/Complainants have prayed that this Authority to:

- i. Enforce and execute its order dated 17.10.2019 in Complaint Nos.21/2018, 25-27/2018 and 66/2018, 351 of 2019

- ii. Hold liable and punish the Managing Director of the Respondent Company for failure to comply with the order of this Authority under Sections 63 and 69 of the Act;
- iii. Pass any other orders it deems fit in the interest of equity and to render justice.

4. In the Counter Affidavit, the Respondent has submitted that with great respect to the orders passed by this Authority, the Respondent has complied with the order dated 17.10.2019. The Respondent has further submitted that, the Complainant/Petitioner has started the remaining construction and it is in the verge of completion. As per the written submission dated 30.07.2019 filed before the Authority, it had submitted that the details of money received from the Complainants and the money spent on this project (as per Annexure II filed in support of written submission therein). The Respondent has also stated that the Respondent has spent more money than what was received and that the balance money to be received can very well cover the expenditure to complete the project (as per the expenditure statement in Annexure III filed by the Respondent in support of the written submission). Therefore, the Respondent has submitted that the money required for the project completion is available as balance payment of 25% which is around Rs.2,10,39,775/-

5. The Respondent has further submitted that the Respondent is ready to hand over the available documents with them and has already handed over the original documents pertaining to a Flat Owner Mr.L.Sriraman (6<sup>th</sup> Complainant herein) by letter dated 07.09.2020.

6. The Respondent has also stated that the Respondent has already furnished the statements of accounts and handed the available documents to the Complainants. As on date none of the documents pertaining to the construction are with the Respondent. Also the Respondent has submitted that he is ready and willing to co-operate with the Complainants with regard to the pending works with the CMDA and Corporation of Chennai.

7. The Execution Petitioners/Complainants filed a Memo dated 11.02.2021 indicating the status of furnishing of various documents by the Respondent.

8. Both the Execution Petitioners/Complainants and the Respondent have not filed any written submission of arguments in respect of these Execution Petitions.

9. This Authority has examined the Execution Petitions and the Counter Affidavit filed by the Respondent carefully.

10. This Authority in its order dated 17.10.2019 in Complaint Nos.021, 024 to 027 and 66 of 2018 and C.Nos.342, 343, 351 and 360 of 2019 had permitted the Association of Allottees to carry out the remaining construction in the project.

11. It is seen from the Counter Affidavit of the Respondent that the Association of Allottees has resumed the construction and it is on the verge of completion.

12. Regarding transfer of balance funds in the project, the Respondent has stated that their Company has spent more money than

what it has received and the balance receivables can very well cover the expenditure to complete the project. The Respondent has also stated that it is ready to handover the available documents. The Respondent has also stated that as on date none of the documents pertaining to the construction is with the Respondent.

13. The Execution Petitioners in their Memo dated 11.02.2021 have furnished the status of various documents to be furnished by the Respondent.

14. After careful consideration, this Authority directs the Respondent to handover the original or certified true copy of the Planning Permission accorded by CMDA for this project along with the approved drawings, Planning Permit, Chennai Municipal Corporation Planning Permission and Building permission/approved building plan to the Association of Allottees before 30.04.2022 without fail.

15. This Authority also directs the Respondent to give 'No Objection Certificate' to the Association of Allottees for obtaining Completion Certificate, electricity, water supply and sewerage connection.

16. With these directions, the above Execution Petitions are disposed of.

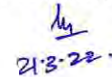
Sd/-...21.03.2022  
MEMBER (M), TNRERA

Sd/-...21.03.2022  
MEMBER (J), TNRERA

Sd/-...21.03.2022  
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

  
ADMINISTRATIVE OFFICER

  
21.3.22