



**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.02/2020

in

C.No.245 of 2019

10th day of March, 2021

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

Thiru T.D.Dinesh Mohamed ... Complainant

Versus

M/s. Real Value Promoters Pvt. Ltd. ... Respondent

This Execution Petition in Complaint No.2/2020 came up for final arguments before the Authority in the presence of the Execution Petitioner/Complainant having appeared as party in person and the Respondent also having appeared as party in person and upon hearing the arguments of both the parties this Authority passes the following order.

ORDER

The Execution Petitioner has prayed to execute the orders pronounced by this Authority in Complaint No.245/2019 on 06.11.2019 wherein the Respondent Promoter was directed to complete all the committed amenities by November, 2019 and shall hand over the flat booked by the Complainant before 31.12.2019 after getting the balance amount payable by the Complainant as per the Agreement. Thereafter the Complainant should take over the possession of the flat with all the committed amenities excluding R.O. plant.

2. The Execution Petitioner has stated that he inspected the real estate Project site at Kazhipattur village on 23.12.2019 and stated the following are yet to be completed within the flat.

- a) Electricity meter / connection for the flat is not fixed and there is no electricity in the flat. The Electricity consumer / meter number not provided.*
- b) Fire fighting safety installation within the flat not done.*
- c) The doors of washroom/toilet should be seasoned timber frame and not of PVC.*

Committed common amenities which are incomplete:

- a) Only one lift is operational in Block 1. The second lift is not installed and the lift openings at every floor is open with temporary sheets placed. Two lifts per block need to be operational as the total number of floors is 19.*

- b) The Complainant was not able to locate operational sewerage treatment plant in the site. The Complainant observed stagnant grey water on the south west side of the site.*
- c) Fire safety installation in the Block is incomplete. Fire extinguisher, Fire blankets, Fire water buckets, etc. are not available.*
- d) The Complainant could not locate borewells or wells in the site. With total of 551 flats in the site, minimum of 12-15 borewells will be required for flushing and for other purposes like fire fighting, gardening, etc. Due to many open manholes and manholes with no permanent covers, no paved pathway the Respondent was not able to locate.*
- e) The temporary tin-based sheet compound wall is not done for the entire site and may become loose anytime and cause accidents.*

3. The Execution Petitioner has prayed that the Respondent Promoter to comply with the orders of this Authority dated 06.11.2019 thereby completing the flat and committed common amenities immediately.

4. The Respondent Promoter in the Counter Affidavit has stated that the construction of Execution Petitioner's flat bearing No.15D, Block 1 of the Neel Kamal Project at Kazhipattur village has been completed in all respects and now in habitable condition. The Respondent Promoter has also stated that nearly 79 customers have taken possession of their

respective flats without any demur and are living in the said project. Moreover, 262 buyers have taken possession of respective flats in the said project and in support of the same some copies of possession letters signed by the customers have been filed by the Respondent Promoter.

5. The Respondent Promoter has also stated that the said flat has been completed in all respects except certain amenities which have to be completed in co-operation with the Association. The following amenities have been completed in the said flat to the entire satisfaction of the petitioner.

- a) Main door handle, door glass viewer has been fixed.*
- b) PVC door is suitable for wash room and toilet. Seasoned timber easily gets damaged due to water.*
- c) Wash room and toilet glass panel has been fixed.*
- d) Bathroom strainer and jet pipe already provided in the toilet.*
- e) Painting works completed*
- f) New electricity connection applied in the name of the petitioner and supply will be provided at the time of taking possession enclosing copy of the application.*
- g) Fire fighting installation within the flat done.*
- h) Fire fighting pipeline work completed*
- i) Allotment of car parking spaces*
- j) Power back up for common facilities (2 Gensets)*

k) *Common sump, overhead tanks and borewell.*

6. The Execution Petitioner has not taken possession of the flat. The Respondent Promoter has concluded that the orders of this Authority dated 06.11.2019 have been complied with.

7. The Execution Petitioner has filed his response to the Counter Affidavit filed by the Respondent Promoter stating that the application for electricity connection has been made on 02.09.2020 just before filing the Counter Affidavit by the Respondent Promoter. The Respondent Promoter needs to provide the electricity connection to Flat 15D and the consumer number. The Execution Petitioner has stated that the following is the status of amenities in the project.

- a) *Only one lift is operational in Block 1. The second lift is not installed and the lift opening at every floor is open with temporary sheets placed. Two lifts per block need to be operational as the total number of floors is 19.*
- b) *The Sewage Treatment Plant needs to be completed at Neelkamal site.*
- c) *Complete Fire Safety installation and test drill at Neelkamal site. Completion of firefighting pipeline will not provide safe living environment. The firefighting equipment should be operational at Neelkamal site for use during emergencies. Fire Extinguisher needs to be provided in the 15th floor common area.*

- d) The Complainant could not locate borewells or wells in the site. In the TWAD water testing result dated 26.07.2019, find the location from which bore water sample was taken is entrance 2nd No. The complainant was not able to locate this borewell as there were no markings at Neelkamal site.*
- e) Scaffolding exists at Block 1 and the stairs are temporarily located as there are ongoing works at Neelkamal site.*
- f) The temporary tin-based sheet compound wall, many drain openings with no proper covers, diesel Genset temporary mounting continue to be safety issues at Neelkamal site.*
- g) The Respondent may please provide copy of lift license, fire installation and drill, sewerage treatment plant operational certificate along with Completion and Occupational Certificates.*

8. Therefore, the Execution Petitioner has prayed that the Respondent Promoter may be directed to complete and to comply with the orders of this Authority dated 06.11.2019 immediately and to impose penalty on the Respondent Promoter till compliance of the orders of this Authority as per Section 63 of the Act.

9. This Authority has examined the Execution Petition, Counter Affidavit of the Respondent Promoter and the further response of the Execution Petitioner to the Counter Affidavit carefully.

- i. The Respondent Promoter is directed to file compliance report regarding provision of electricity domestic service connection to the Execution Petitioner's flat before 31.03.2021.
- ii. The Respondent Promoter shall install the 2nd lift and shall make it operational before 30.06.2021
- iii. The Sewage Treatment Plant shall also be completed and made fully operational by 30.06.2021.
- iv. The Respondent Promoter shall submit the fire safety renewal license issued by the Fire Service Department valid for 2021-2022 before 30.06.2021.
- v. The Respondent Promoter shall also inform the Execution Petitioner Allottee the location of the borewell before 31.03.2021.

10. This Execution Petition will be kept pending for monitoring further compliance by the Respondent Promoter. The Respondent Promoter shall file the next compliance report before 15.07.2021 on the directions given above.

Sd/-...10.03.2021

MEMBER (M), TNRERA

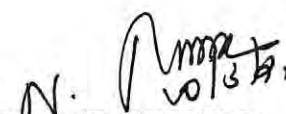
Sd/-...10.03.2021

MEMBER (J), TNRERA

Sd/-...10.03.2021

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. 
ADMINISTRATIVE OFFICER

10-3-21.