



**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.1/2021 in C.No.369/2019

21st day of March, 2022

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

Tvl. Haresh N. Badani & Falguna H. Badani] Execution Petitioners/
] Complainants

Versus

M/s.True Value Homes (India) Pvt. Ltd. ... Respondent/Respondent
represented by its Director, Thiru Manivannan

This Execution Petition came up for final hearing before this Authority in the presence of M/s. Iyer and Thomas, Mr.H.Karthik Sesadhri, Ms.Elizabeth Seshadhri, Mr.P.Rajaji and Mr.C.Suraj – Counsel for the Execution Petitioners and the Respondent being called absent and upon hearing the Execution Petitioners, this Authority passes the following order:

ORDER

In the above Execution Petition, the Petitioners/Complainants have cited the orders of this Authority dated 05.11.2020 in Complaint No.369 of 2019, directing as follows:

- a. "(vii) The Authority directs the Respondent to handover the apartment allotted to the Complainant completed in all respects including all amenities promised in the construction agreement before 31.12.2020.
- b. (viii) The Complainant shall pay the balance amount strictly as per the construction agreement and the Respondent Promoter shall collect balance due of the construction cost strictly as per the construction agreement before handing over possession of the apartment to the Complainant before 31.12.2020.
- c. The Authority makes abundantly clear that both sides shall make their respective claims on interest on delayed construction as well as interest on delayed payment before the Adjudicating Officer, TNRERA".

2. The Petitioners/Complainants have further submitted that by letter dated 23.11.2020, they have reminded the Respondent that they were ready to comply with the terms of Order dated 05.11.2020 and sought possession of the flat. Also the Petitioners were ready to pay the amount of Rs.13,54,554/- which was due under the Agreement. But, by email dated 01.12.2020, the Respondent stated that it was ready to

comply with the order and asked the Petitioners to make payment of an amount of Rs.14,95,304/- claiming that it was the amount payable under the agreement as calculated by the Respondent. The Petitioners/Complainants have further submitted that there was an exchange of emails regarding the correct calculation and completion of amenities.

3. The Petitioners/Complainants have stated that they left with no alternative had taken two demand drafts being DD No.133705 for Rs.8,00,000/- and DD No.133704 for Rs.5,54,554/- totaling Rs.13,54,554/- both drawn on Bank of India dated 28.12.2020; and sent copies of the DDs under cover of letter dated 28.12.2020. The Petitioners had called and visited the Respondent's office and met Mr.Vijay on 29.12.2020 to accept the original DDs as payment in full settlement and handover possession of property along with its documents to the Petitioners (copies of the DDs and the courier receipts are enclosed in the typed set of documents filed by the Execution Petitioners). The Demand Drafts were not accepted by the Respondent; and instead they were pressurizing the Petitioners to sign a letter that no further legal proceedings would be initiated from the Petitioner's side.

4. The Petitioners/Complainants have stated that the Respondent is refusing to obey the order of this Authority. Therefore, the Petitioners are ready and willing to deposit the money under the Agreement, through the Authority to the account of the Respondents. The Petitioners are ready to deposit or handover whatever amount as directed by this Authority as per the Order dated 05.11.2020.

5. The Petitioners/Complainants have prayed in this Execution Petition as follows:

- a. to enforce the order dated 05.11.2020 under Section 40(2) of RERA.
- b. permit the Petitioners to deposit the sum of Rs.13,54,554/- or such as this Authority may deem fit, and direct the Respondent to immediately hand over possession of the apartment to the Petitioners as per order dated 05.11.2020.
- c. Impose penalty for failure to comply with the Order of this Authority under Section-65.
- d. Impose costs of this petition on the Respondent.

6. In the Affidavit filed by the Execution Petitioner, it has been stated that as per the Order dated 15.04.2021 passed by this Authority, whereby this Authority had directed the Execution Petitioners to file an Affidavit in terms of compliance made by the Respondent Promoter with regard to the orders passed by this Authority and what is remaining or pending or what has to be complied with by the Respondent Promoter. The Petitioners/Complainants have further stated that the Respondent Promoter has complied as per the orders and that the possession of the apartment has been handed over to the Execution petitioners on 19.03.2021.

7. The Petitioners/Complainants have further submitted that the Respondent Promoter has not complied with the orders of this Authority in the following manner and that the following documents are yet to be received from the Respondent Promoter.

- a) Car park drawing and allotment letter
- b) Account statement as on 19.03.2021
- c) No Objection Certificate
- d) No due certificate
- e) Maintenance of one year paid by True Value Homes India Pvt. Ltd as per agreement confirmation of payment to the Association.

8. The Respondent has not filed any written submissions in respect of this Execution Petition.

9. This Authority has examined the Execution Petition and the Affidavit filed by the Execution Petitioners carefully.

10. It is seen that the Respondent Promoter has handed over possession of the apartment to the Execution Petitioner on 19.03.2021.

11. The Execution Petitioners have sought certain documents from the Respondent Promoter as listed in para-7 above.

12. The Respondent Promoter is directed to issue car park drawing and allotment letter and Account Statement as on 19.03.2021 and No Due Certificate to the Execution Petitioners/Complainant Allottees before 30.04.2022.

13. This Authority refrains giving any further directions which do not flow in terms of the orders passed by this Authority in Complaint No.369/2019 dated 08.11.2020.

14. With the above directions, this Execution Petition is disposed of.

Sd/-...21.03.2022

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MEMBER (M), TNRERA

MEMBER (J), TNRERA

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. Praveen
31/3/22
ADMINISTRATIVE OFFICER

21.3.22