



**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]

I.A. No.14/2021 in E.P.No.5 of 2019 in C.No.45/2018

17th day of February, 2021

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

Col. R. Ganesan
Chennai – 600 93

Execution Petitioner /
Complainant

Versus

Army Welfare Housing Organisation
(AWHO),
Rep. by its Project Director,
Raman Vihar Project, Anna Nagar,
Chinnavedampatti Post,
Coimbatore-641 049

Respondent

The Execution Petitioner in Complaint No.45/2018 has filed an affidavit seeking for execution of orders in Complaint No.45/2018 read with orders of this Authority in E.P.No.5/2019 on non compliance of the orders of this Authority by the Respondent. Accordingly the Authority passes the following order.

ORDER

This Authority by its order dated 30.10.2018 in Complaint Nos.29/2018, 33/2018, 34/2018 and 45/2018 passed common orders directing the Respondent Promoter Army Welfare Housing Organisation (AWHO) to register the project with TNRERA within 15 days from the date of that order.

2. In the Appeal before Hon'ble TNREAT by AWHO, the order of the Authority was confirmed.

3. Now the 2nd Appeal by way of CMSA No.1/2020 preferred by AWHO is pending on the file of the Hon'ble High Court of Madras.

4. In an Interim Direction in the CMSA No.1/2020 on 04.02.2021, the Division Bench of the Hon'ble High Court has directed the Authority to proceed with Execution Petitions and pass final orders for implementation of the same on or before 25.02.2021.

5. The Complainant Allottee in E.P.No.5/2019, Col. R. Ganesan also filed an affidavit on 28.10.2020 stating that the Respondent Promoter AWHO has not complied with the orders of the Authority and sought for Imprisonment of Respondent under section 59, 61, 63 & 64 of the RERA Act.

6. The Authority has already sent notice dated 09.11.2020 to the AWHO, Chinnavedampatti project calling upon the Respondent Promoter to register the project immediately. In the same notice, the Authority indicated that appropriate penal action will be taken against AWHO in case of failure on the part of AWHO to register the project with TNRERA.

7. The AWHO has contravened the provisions under Section 3 of the Act. The AWHO has failed to comply with the orders of this Authority in its order dated 30.10.2018 and E.P.No.5/2019 dated 28.11.2019. Therefore under Section 59 (1) of the Act this Authority imposes a penalty of Rs.10,00,000/- (Rupees Ten lakhs only) on the Respondent Promoter AWHO for contravening the provisions under section 3 of the Act. For continuing default for non compliance of orders of this Authority by the Respondent AWHO, under section 63 of the Act the Respondent is held liable to pay penalty of Rs.10,000/- (Rupees Ten thousand only) per day till the default continues.

8. The Authority further directs the AWHO to pay the penalty on or before 24.02.2021 and in case of continuing default for contravention of the provision of the Act under Section 3 by the Respondent, the Authority shall proceed with further course of action as per Section 59 (2) of the Act.

Sd/-...17.02.2021
MEMBER (M), TNRERA

Sd/-...17.02.2021
MEMBER (J), TNRERA

Sd/-...17.02.2021
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. [Signature]
17/2/21
ADMINISTRATIVE OFFICER

17.2.21