



**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]

C.No.147/2022

30th day of October, 2023

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

1) Thiru K.M. Kodaiarasu]
2) Tmt. P. Malarvizhi] Complainants

Versus

1) Thiru A.C. Raju]
2) Thiru C. Prakash Kumar] Respondents

The above Complaint came up for final hearing before this Authority in the presence of M/s. Anil Relwani – Counsel for Complainants and of M/s. C.T.Murugappan – Counsel for 1st Respondent. The 2nd Respondent called absent set ex-parte. This Authority passes the following order.

FINAL ORDER

This Authority has examined the Complaint, the Counter Affidavit and the Additional Counter Affidavit filed by the 1st Respondent Promoter, the Rejoinder filed by the Complainants, arguments and written submission of arguments by both sides carefully.

2. This Authority in its order dated 02.06.2023 had held that this real estate project is an ongoing project as on 01.05.2017 and accordingly held this Complaint as maintainable and proceeded to adjudicate this Complaint.

3. Recently the Hon'ble High Court of Madras in its order dated 20.09.2023 in CMSA Nos.23 and 24 of 2020 and CMP(MD) Nos.9226 & 9236 of 2020 and 5221, 5219, 9499 & 21214 of 2022 between M/s. Devinarayan Housing and Property Developments Private Limited Vs. Manu Karan and others has held in para 11.5 of the order that the Authorities, Adjudicating Officer referred to in the RERA Act are entitled to deal with the issue regarding the registered real estate project alone. As far as unregistered real estate project is concerned, they will not have any control over the same and in case, if any person is aggrieved of the unregistered real estate project; they have to approach either before the Civil Court or consumer forum in accordance with law and not before RERA. It has further held in para 10.9 of this order that the word 'or' used in Section 3(2)(a) of the RERA Act has to be read disjunctively.

4. Taking judicial notice of the above rulings of the Hon'ble High Court of Madras, this Authority notes that this real estate project has eight flats only including Three flats allotted to the Complainants. As the total number of flats in this real estate project does not exceed eight, this Authority has no jurisdiction over this real estate project as per the above ruling of the Hon'ble High Court of Madras.

5. Accordingly this Complaint is dismissed.

Sd/-...30.10.2023

MEMBER (M), TNRERA

Sd/-...30.10.2023

MEMBER (J), TNRERA

Sd/-...30.10.2023

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. *[Signature]*
30/10/23
LAW OFFICER, TNRERA

30/10/23