



**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.17/2022 in C.No.40/2020

30th day of October, 2023

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

Thiru P. Suresh] Execution Petitioner/
] Complainant

Versus

- 1) M/s. SPR & RG Constructions Pvt. Ltd.]
Rep. by its Managing Director]
Thiru Hitesh Kumar Kawad] Respondents/
2) Thiru Hitesh P. Kawad] Respondents
Managing Director]
M/s. SPR & RG Constructions Pvt. Ltd.]
3) Thiru M.G. Surendranath, Director]
M/s. SPR & RG Constructions Pvt. Ltd.]

The above Execution Petition came up for final hearing before this Authority in the presence of M/s. Paul and Paul - Counsel for the Execution Petitioner/Complainant and of M/s.A.Palaniappan - Counsel for the Respondents. This Authority passes the following order.

ORDER

The Counsel for the Execution Petitioner during the hearing on 26.04.2023 prayed for appointment of an Independent Engineer to be deputed by this Authority to verify the status of compliance by the Respondent Promoter in terms of the orders passed by this Authority in in Complaint Nos.21 & 38 to 41 of 2020 dated 10.06.2022.

2. The Counsel for the Decree Holder also filed a Memo regarding various aspects of compliance to be verified by an Independent Engineer.

3. The Respondent Promoter had filed a reply to this Memo of instructions to the Engineer filed by the Decree Holder.

4. The Decree Holder had filed a Rejoinder to this reply.

5. This Authority has examined the Memo, Reply by the Respondent Promoter as well as the Rejoinder filed by the Execution Petitioner carefully.

6. This Authority in its order dated 21.03.2022 in Complaint No.442/2019 which holds good in Complaint No.40/2020 had directed the Respondent Promoter to restore the area of the club house to 5432.35 sq.mtr. as committed by the Respondent Promoter based on the original approved plan after getting approval from CMDA subject to permissible FSI (para 48 of the Order in C.No.442/2019 dated 21.03.2022).

7. Therefore, this Authority nominates Thiru S.Selvakumar, Additional Director (Operation), TNRERA and Er. M. Krishnamoorthy, Executive Engineer (Retd.), PWD to verify the compliance of the above direction within 2 months from the date of this Order and submit their report.

8. This Authority also directs this team to verify the compliance with reference to the direction of this Authority in para 50, 54, 55 & 56 of the Order of this Authority dated 21.03.2022 in Complaint No.442/2019 and para 8 of its order in Complaint No.21 & 38 to 41/2020 dated 10.06.2022.

9. This Authority directs that Er. M. Krishnamoorthy Executive Engineer (Retd.) shall be paid Rupees One Lakh only for this work which shall be borne equally by the Execution Petitioner and the Respondent Promoter. They shall deposit Rs.50,000/- each with this Authority within one month from the date of this order.

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


LAW OFFICER, TNRERA


30.10.23.