



**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]

Suo Motu Case No.001/2022

22nd day of August, 2022

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

1. D.K.Bhagavathi Nath]
2. B.Rajalakshmi] Complainants
3. T.S.Manohar]

Versus

M/s. BBCL Srishti Homes LLP]
Rep. by its designated Partner] Promoter
Thiru Vummidi Ananth]

The above Suo Motu case came up for hearing before this Authority in the presence of the Complainants Thiru D.K.Bhagavathi Nath and Ms.B.Rajalakshmi and the Respondent Promoter represented by Thiru Elantheriyan, Senior Manager (Legal) of Promoter Company.

ORDER

The Hon'ble Appellate Tribunal in its order in Appeal No.58 of 2021 dated 10.01.2022 had directed this Authority to invoke Section 38 of the Act regard to the contravention of obligations cast upon the Promoter with regard to the Complaint made by the home buyers regarding gated villa community in the Brochure.

2. Accordingly, this Authority had taken up this suo motu Case No.001/2022 and issued a notice to the Promoter dated 28.03.2022 under Section 35(1), 37 & 38 of the Act and Rule 25(a) of the Rules.

3. The Respondent Promoter had circulated the Brochure/Prospectus to the Allottees stating that the project has been launched as gated community with facilities and amenities. But the Compound Wall was demolished by the Kundrathur Panchayat Union after notice on the ground that the passage for the road had been encroached.

4. Accordingly, this real estate project is no longer a gated community. This amounts to false promise of offering a gated community to the prospective buyers.

5. The Respondent Promoter was called upon to secure compliance under Section 12 and 14 of the Act within 15 days from the date of receipt of that notice failing which action will be taken under Section 61 of the Act without further notice to the Respondent Promoter.

6. The Respondent Promoter has not filed any reply to this notice so far.

7. Hence, it is clear that the Respondent Promoter has contravened the Section 12 of the Act.

8. Therefore, this Authority imposes a penalty of Rs.5 lakhs (Rupees Five Lakhs only) under Section 61 of the Act for contravention of Section 12 of the Act which shall be paid before 30.10.2022.

Sd/-..22.08.2022

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MEMBER (M), TNRERA

MEMBER (J), TNRERA

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER


ADMINISTRATIVE OFFICER

in
22-8-22.