



**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.92/2023**

**29<sup>th</sup> day of January, 2024**

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

Thiru S. Venkatesan ... Complainant

Versus

M/s. G.K.S. Technology Park Private Limited ]  
Rep. by its Managing Director ] Respondent

The above Complaint came up for final hearing before this Authority in the presence of M/s. S. Akila - Counsel for Complainant and of M/s. Anant Marathia - Counsel for Respondent. This Authority passes the following order.

\*\*\*\*\*

**FINAL ORDER**

The Complainant has submitted in the Complaint that he has purchased a flat in the project Viha situated in Ayanavaram Village, V.O.C.

Colony (New Colony) Street, Anna Nagar, Chennai – 600 102 developed by the Respondent Promoter herein.

2. The Complainant has further submitted that the Respondent has executed a sale deed in favour of the Complainant vide Sale Deed Doc.No.5242 of 2017 dated 14.12.2017 for the undivided share of land measuring about 757.79 sq.ft. out of total extent of the land measuring about 63087.995 sq.ft., in which the present Tulive Viha Apartment is constructed. Subsequently, both the Complainant and the Respondent Promoter had entered into construction agreement to construct a residential apartment of a super built-up area of 1581 sq.ft. bearing No.C-205 on the second floor and two earmarked covered Car Parking (Tandem) and registered vide Doc.No.5241/2017 dated 14.12.2017.

3. The Complainant has also submitted that there were many defects in the construction of the said apartments like cracks in the building/Compound wall, water leakage/seepage, etc. Therefore, the Complainant along with the other residents/owners of the Tulive Viha Apartment representing Tulive Viha Apartment Owners Association has complained to the Respondents about the defects in the constructions of the said Tulive Viha Apartment. The Respondent vide his letter dated 07.12.2020 had accepted and promised to rectify the said defects within 31.01.2021, but till date the Respondent had not rectified any defects as accepted in their said letter.

4. The Complainant has prayed for the following reliefs in the Complaint.

- i. to register the Tulive Viha Apartment with RERA;

- ii. to rectify the defects as accepted by their letter dated 07.12.2020
- iii. and to pass any other order or Orders as this Regulatory Authority may deem fit and proper in the circumstances of the case and thus render justice.

5. In the Counter Affidavit filed by the Respondent Promoter, it has submitted that it was brought to the notice of the Respondent that there were certain wear and tear in normal course of occupation that arose. The Association of the Apartment Complex had come forward with the points and submitted a representation. The Respondent has submitted that vide their letter dated 07.12.2020 the Respondent took the responsibility for the same and also as per Section 14(3) of the Real Estate (Regulation and Development) Act, 2016, the Respondents understood their duty to respond for the same within the stipulated time as per law.

6. Further the Respondent has submitted that they immediately took necessary action and efforts and once the issues were sorted out, the Respondent informed the same to the Apartment Association.

7. The Respondent has registered their project with the name 'VIHA' as per Section 5 of the Real estate (Regulation and Development) Act, 2016 under the project registration number TN/29/Building/352/2023 dated 21.08.2023.

8. This Authority has examined the Complaint, the Counter Affidavit filed by the Respondent Promoter and the arguments made by both sides carefully.

9. Regarding the prayer to direct the Respondent Promoter to register this real estate project with this Authority, this Authority notes that the Respondent Promoter has already registered this real estate project with this Authority vide project Registration No.TN/29/Building/352/2023 dated 21.08.2023.

10. Therefore, this prayer has already been complied with.

11. Regarding the prayer to rectify the defects, this Authority directs both the Complainant as well as the Respondent Promoter to act as per Section 14(3) of the Act regarding defects.

12. With the above finding and direction, this Complaint is disposed of.

Sd/-...29.01.2024

Sd/-...29.01.2024

Sd/-...29.01.2024

MEMBER (M), TNRERA

MEMBER (J), TNRERA

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N.   
29/1/2024  
LAW OFFICER, TNRERA

  
29.1.24