



**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.002/2023 in C.No.101/2021**

**and**

**E.P.No.004/2023 in C.No.66/2021**

**13<sup>th</sup> day of September, 2023**

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

**E.P.No.002/2023 in C.No.101/2021**

M/s. Srimathi Sundaravalli Memorial Nagar ]  
Flat Owners Association known as SSM Nagar ]  
Flat Owners Association, Represented by its ]  
Secretary, Thiru P. Kalaamuthan ]

.....Execution Petitioners/  
Complainant

Versus

1) M/s. SSM Builders & Promoters ]  
Represented by its Partner ]  
Tvl. (1) K. Santhanam, ]  
(2) V. Mani, ]  
(3) N.V.S. Srirengarajan, ]  
(4) M. Karthikeyan & ]  
(5) K. Selvakumar ]

- 2) Thiru K. Santhanam ]
- 3) Thiru V. Mani ]
- 4) Thiru N.V.S. Srengarajan ]
- 5) Thiru M. Karthikeyan ]
- 6) Thiru K. Selvakumar ] .....Respondents/ Respondents

**E.P.No.004/2023 in C.No.66/2021**

- 1) Thiru R. Sathish Kumar ] .....Execution Petitioners/
- 2) Tmt. N. Sujatha ] Complainants

Versus

- 1) M/s. SSM Builders & Promoters ]  
Represented by its Partner ]  
Tvl. (1) K. Santhanam, ]  
(2) V. Mani, ]  
(3) N.V.S. Srengarajan, ]  
(4) M. Karthikeyan & ]  
(5) K. Selvakumar ]
- 2) Thiru K. Santhanam ]
- 3) Thiru V. Mani ]
- 4) Thiru N.V.S. Srengarajan ]
- 5) Thiru M. Karthikeyan ]
- 6) Thiru K. Selvakumar ] .....Respondents/ Respondents

The above Execution Petitions came up for final hearing before this Authority in the presence of M/s. L. Senthil Kumar – Counsel for both the Execution petitioners/Complainants and of M/s. Harishankar Mani – Counsel for 1<sup>st</sup> Respondent. This authority passes the following order:

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**ORDER**

The above Execution Petitioners have filed the above two Execution Petitions for enforcement of orders passed by this Authority in Complaint No.101/2021 and Complaint No.66 of 2021 dated 06.10.2021.

2. The Respondent Promoter has filed a Common Counter Affidavit on behalf of the Respondent Promoter partnership firm and the partners.

3. This Authority has examined the counter Affidavit carefully.

4. The Authority notes that the Hon'ble Tamil Nadu Appellate Tribunal has dismissed the Appeal filed by the Respondent Promoter represented by its Managing Partner Thiru K.Santhanam vide its order dated 02.09.2022 in Appeal No.145/2021.

5. This Authority had directed the Respondent Promoter to register this entire real estate project with this Authority before 31.12.2021.

6. The Respondent Promoter has not stated anything regarding filing of application with this Authority for registering this real estate project.

7. Therefore, this Authority concludes that the Respondent Promoter has contravened the direction of this Authority to register this project as well as Section-3 of the Act. Therefore, under Section 59 of the Act, this Authority imposes a penalty of Rs.30 lakhs (Rupees Thirty Lakhs) on the Respondent Promoter. This penalty shall be paid before 30.11.2023.

8. The Authority under Section 63 of the Act for failure to comply with the direction of this Authority to register this real estate project with this Authority imposes a penalty of Rs.3000/- per day which may cumulatively extend upto Rs.30 lakhs.

9. Regarding the direction to the Respondent Promoter to complete the common amenities promised by the Respondent Promoter before 30.03.2022, the Respondent Promoter has submitted that all the common amenities stipulated in Clause 17 of the Construction Agreement dated 26.09.2013 have been provided to the Allottees.

10. The Execution Petitioners have not stated the list of amenities yet to be provided by the respondent Promoter. Therefore, this Authority refrains from giving any direction regarding provision of amenities.

11. The Execution Petitioners are at liberty to file a fresh petition clearly indicating the list of amenities yet to be provided strictly as per the construction agreement with documentary evidence, if any.

12. Similarly, this Authority records the submission made by the Respondent regarding installation of Solar Power Panel and keep the issue open for the Execution Petitioners to move a fresh Execution Petition in case Solar Power Panels are not installed before 31.03.2024 in terms of the construction agreement as well as TANGEDCO/Govt. norms.

13. Regarding direction to handover of common areas and common amenities to the Association already completed to the Association of Allottees as per Section 17 of the Act before 31.12.2021, this Authority does not accept the submission of the Respondent Promoter that 2/3<sup>rd</sup> majority of the Allottees of this real estate project forming a registered body have to express their desire in writing to the Promoter to take over the overall maintenance and management of this real estate project by themselves.

14. As the provisions of the Act overrides the Clause 28c of the Construction Agreement, this Authority concludes that the Respondent Promoter has contravened the above direction of this Authority.

15. Therefore, under Section 63 of the Act, this Authority imposes a penalty of Rs.3,000/- per day which may extend upto Rs.3 lakhs till the Respondent Promoter hands over the maintenance of common areas and

common amenities already completed to the Association of Allottees as per Section 17 of the Act.

16. Regarding furnishing of copy of Completion Certificate to the Complainant Allottees, the Respondent Promoter has not stated anything in the Counter Affidavit thereby contravening the direction of this Authority. Therefore, under Section 63 of the Act, this Authority imposes a penalty of Rs.1,000/- per day which may cumulatively extend upto Rs.1 lakh till the Respondent Promoter furnishes the copy of the Completion Certificate issued by CMDA to the Execution Petitioners.

17. With the above findings and directions, the Execution Petition Nos.002/2023 in C.No.101/2021 and E.P.No.004/2023 in C.No.66/2021 are disposed of.

Sd/-...13.09.2023  
MEMBER (M), TNRERA

Sd/-...13.09.2023  
MEMBER (J), TNRERA

Sd/-...13.09.2023  
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

  
ADMINISTRATIVE OFFICER  
13.9.23