BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL (TNREAT)
(Tamilnadu, Puduchery, Andaman & Nicobar Islands)
At Egmore, Chennai – 600008.

(Under the Real Estate Regulation and Development Act, 2016)

Appeal No. 3 of 2018

Dated the 21st day of March 2019

Coram : Mr.Justice B.Rajendran, Chairperson
Mr.N.Balasubramanian, Judicial Member
Ms.Leena Nair, Administrative Member

Kendriya Vihar-II Apartment
Owners' Welfare Association,
B-9/130, Kendriya Vihar-II,
Paruthipattu,
Avadi, Chennai-600071.

... Complainant/ Appellant

-Vs-

1. The Chief Executive Officer,
Central Government Employees
Welfare Housing Organisation,(CGEWHO)
6th Floor, A-Wing,
Janpath Bhawan,
Janpath, New Delhi – 110001.

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2. The Member Secretary,
Chennai Metropolitan
Development Authority, (CMDA)
Thalamuthu Natarajan Maaligai,
No.1, Gandhi-Irwin Road,
Egmore, Chennai-600008.

...Respondents/Respondents

Orders Reserved on 25.02.2019
Delivered on 21.03.2019

Mr.S. Mathi, Mr.T.T.Narayanan,
Mr.R.Srinivasan & Mr.S.Kumar ...Appellants-in-person

Mr.Krishnamurthy, Advocate ...For 1st Respondent

Mr.Krishnakumar, Senior Planner, CMDA
Mr.S.Paneerselvam, Deputy Planner, EC Division, CMDA
Mr.P.Gajendran, Deputy Planner, MSB Division, CMDA,

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The appeal has been preferred as against the order dated 30-07-2018 passed by the Hon'ble Authority ordering the 1st Respondent's Application for registering the project with RERA is valid one and the complainant has not made out any valid grounds for refusing to register the project. The authority has allowed the Central Government Employees Welfare Housing Organization (herein after called as CGEWHO) to register

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their project in Phase-II over ruling the objection of the complainant.

The main contention of the Appellant / Complainant is that the 1st Respondent originally had applied for approval with CMDA in 2006 for a single development consisting of 1304 flats in 64 blocks out of which 37 blocks would form Phase-II and 27 blocks would form Phase-III. The CGEWHO has originally collected the installment amounts way back in year 2006 itself informing that the original amount would be adjusted towards land cost. 572 applicants were given specific allotments and according to them the sale deed conveyed way back in November 2011 was in respect of 572 flats for the allottees under the specific condition that the total extent of open area was 11.31 acres comprised in Phase-II. The undivided share which was given to them was also restricted according to them in so far as only to 11.31 acres. Further the undivided share was distributed on the basis of the original plan namely 2006 plan.

The complainants' main ground was when the 1st Respondent has executed the sale deeds, they have lost the right of the ownership of that 11.31 acres.

Subsequently when the 1st Respondent further sought for an approval to put up in the balance area of construction after giving the OSR area, they should have restricted the Planning Permission excluding the 11.31 acres, namely the balance of 12.62 acres alone, whereas at the time of approval, the CGEWHO has shown the entire extent of 26.58 acres and the undivided share was also worked out on the entire extent without deducting the earlier completed construction to the extent of 11.31 acres. Therefore the Appellants are suffering a loss in respect of their undivided share in so far as the 11.31 acres which has already been allotted and accrued to them. By granting a permission for putting up construction in the remaining extent, taking also into consideration the already sold land, would affect their right to get any gain of the increase in the FSI granted by the government. They also would further contend that when the CGEWHO applied for the Phase-II approval, they have not sought the consent of the owners of this 572 apartments existing in 11.31 acres as they also had become co-owners after the sale of the property. Therefore the present application seeking for registration of the project by the CGEWHO is illegal and by registering, they will get a right to advertise and sell which will affect their legal right not only in

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respect of undivided share land area but also in respect of the enjoyment of the common area which is already in existence in Phase-II and the proposed common area in Phase-III. In this connection they would also contend that they have filed a Writ Petition before the Hon'ble High Court of Madras in W.P. No. 26755 of 2016 seeking to quash the proceedings published by CGEWHO in 'Dhinathanthi' dated 28.05.2016. Originally the Writ Petition was dismissed. They preferred a Writ Appeal No. 1603 of 2016. The Writ Appeal was allowed remitting the matter back to the court mainly on the ground to take up the issue as to whether the Planning Permission obtained by the 1st Respondent in 2014 by showing the entire 26.58 acres in one composite block is in order or not and whether the proposed development would have the effect of diminishing the undivided share that has been allotted and subsequently sold to the members of the Appellants' Association. After remand, the matter was taken up and that was also disposed off on 01-02-2019 dismissing the main Writ Petition itself holding that it neither affected their undivided share nor their FSI area.

Even during the Writ Petition was pending, the final order of RERA has been passed taking into consideration

that the original Writ Petition was dismissed and as there was no stay in the Writ Appeal, the authority has categorically stated that the project needs to be registered. Aggrieved against the same, the present appeal before the Tribunal has been filed. Here also they also mainly contended that de horse the Judgment of the Hon'ble High Court, the entire extent of 26.58 acres has been taken into consideration for approval purposes without their consent which is against law. Further in view of the enhancement in the FSI area granted by the government, the benefit accrued out of that order is being deprived to the Appellants in so far as their extent of 11.31 acres. They would also further go to the extent of stating that the very second approval given by the CMDA itself was illegal. In fact they would also state that in the Writ Appeal stage, the CMDA was also directed to be impleaded as a party and therefore they are a party in this appeal. Therefore they would mainly contend that the order passed by this authority is illegal.

The 1st Respondent CGEWHO has filed a detailed counter before the authority as well as in the Writ Petition, they have also mainly contended that they originally obtained a Planning Permission under the Special

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Buildings Group Development comprising of 64 blocks of 1304 dwelling units of Stilt floor + 4 floors by a approval dated 7.11.2006. They also obtained a partial Completion Certificate for 27 blocks (out of 64 blocks with 412 dwelling units (Block B- 8 numbers, Block C - 2 numbers, Block D - 9 numbers, Block E - 3 numbers, Block F - 5 numbers) as earlier as on 10-05-2012 (Phase-1). Thereafter they obtained a further partial completion certificate for 10 blocks out of 64 blocks comprised in 160 dwelling units, A type block – 4 numbers (64 dwelling units), B type block – 6 numbers (96 dwelling units) as per the Order dated 27-12-2012, Phase-1. According to them, the CMDA, when issuing the Planning Permit, it has not issued the Planning Permit in the form of Phase -1, Phase-II for the site under reference and they have considered as a single development. According to them, even taking into consideration of the 2nd approval, even taking the entire 26.58 acres into account, the FSI in so far as the already sold land to the extent of 11.31 acres still works out to be 1.38 and even after the grant of the permission taking into the entire extent for the 2nd approval it is still less than 2.05 which is within the permissible limit of 2.50. They would also contend that they would not in any way affect the legal right of the

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allottees of Phase-I and Phase-II by the proposed construction in Phase-III. They would mainly contend that when the Writ Appeal was pending, the High Court of Madras has directed the CMDA to inspect and report giving specific directions in regard to the availability of the extent, the usage of FSI as regards the earlier approval and later approval and the undivided share which can be utilized by the Phase-I, Phase-II allottee and Phase-III allottee and according to them, even as per the report of the CMDA, a much lesser extent has been utilized by the CGEWHO, therefore the Applicants / Appellants are not in any way affected and now taking into consideration after the disposal of the Writ Petition itself, when it has been categorically held that the Petitioners legal right in so far as the undivided share of land is not affected and the FSI which is still un-utilised is much below the actual extent used. Therefore the contention now raised by the Appellants is to be rejected summarily. In this connection they have also filed an Undertaking Affidavit along with the counter itself that in the entire extent of land which includes the roads, entrance plaza, community hall and open space area, are all common to Phase-II and Phase-III allottees as construed as a single layout and no one are entitled to

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claim exclusive right. Further they would also contend that they would not carry out any construction work in the 11.31 acres allotted to the Phase-II project as per the undertaking executed before this tribunal on 25.02.2019. Further they would mainly also contend that they had earlier filed an Undertaking Affidavit before the Hon'ble High Court of Madras that in the 572 dwelling units completed in 37 blocks, they have provided 452 Covered Car Parking and 94 Open Car Parking, out of the 452 Covered Car Parking already 305 car parking has been already allotted to Appellants association members and remaining 147 Covered Car Parking are left vacant until now and besides 94 Open Car Parking are also available for the Appellants Association members. According to them, even as per the CMDA's requirement for Phase 2 & 3, the total requirement of car-park is 1360 whereas the actual car-park provided at the site is 1584.

PHASE II			PHASE III			TOTAL CAR PARKING REQUIRED AS PER CMDA	ACTUAL CAR PARKING PROVIDED AT SITE	REMARKS (Extra:it may be used for visitors parking)
No. of flats	Less 'A' type flats (provided two wheeler parking)	Total	No. of flats	Less 'A' type flats (provided two wheeler parking)	Total			
572	**32**	**540**	**1220**	**400**	**820**	**1360**	**1584**	**224**

Further they would mainly contend that all the association members have executed an affidavit including the Secretary of the Association clearly stating that they are duly allotted their Undivided Share of land. They would also contend in the sale deed they have categorically agreed that the Undivided Share of land granted to them is in respect of the entire extent of land. The 1st Respondent would further contend that they have applied for second approval even as early as in year 2009 whereas the sale of the Phase-II was effected only in the year 2011. Therefore the Appellants cannot have any grumbling as against the proposed construction in the remaining area especially their contention regarding that they need to be consulted could not and would not arise in the year 2009 when the application for approval has been filed. Further according to their undivided share area statement filed by them even before the High Court, they have specifically made out a case that in so far as the complainants are concerned, in respect of 11.31 acres, their undivided share of land has not been diminished or altered by virtue of grant of subsequent planning permit, which they have produced in the additional typed set of papers before this tribunal which was filed in the court even as early as in December 2018. Above all these

things, the project has already been registered under the Authority subsequent to a direction and the appellants will not be in any way hampered by such registration, in fact they will be protected under the Act and they have also given an undertaking on 25-02-2019 safeguarding the interests of the association with a specific understanding and undertaking that they will not put up any construction in 11.31 acres nor they would object utilization of the additional FSI granted by the government in the area which is now in occupation of the association. Hence they would contend that the appeal has to be dismissed in limine.

The CMDA as it was a party in the Writ Petition in the High Court, they were also made a party here and they have filed a memo before this tribunal contending that the 1st Respondent originally obtained permission for putting 1304 dwelling units out of the 64 numbers of special buildings, they constructed only 37 numbers of blocks accommodating 572 dwelling units and they were given the 1st partial completion certificate in regard to the 27 blocks and thereafter for the next 10 more blocks, they were given partial completion certificate. Though they were given permission for 64 blocks, they have completed

only 37 blocks. Subsequent to the earlier approval, the CGEWHO has applied for revised planning construction for additional construction of 11 blocks namely 10 blocks with stilt + 10 floors of residential building with 1220 dwelling units and one block with stilt plus 3 floors + 4th floor part for community hall to the already completed 37 blocks with 572 dwelling units at the same site under reference. The revised permission was granted on 08-10-2012. At the time they also took into consideration the objections of some of the members stating that the proposed construction would obstruct the view, ventilation, ambience and the ground water supply may not be sufficient. Even a member of parliament has sent a complaint that the undivided share of land was not properly given and he was informed the irregularity mentioned in his letter can be taken up only with the authorities/agencies controlling/ supervising the functioning of the CGEWHO and before giving the second permission, necessary steps were already taken in respect of the undivided share of all the parties including the affidavit and the sale deed executed by the members of the association. All the parties in the appeal and 1st Respondent appeared and argued in detail and taking into consideration of the arguments, relevant pleadings and

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the order of the authority below, the following Order is passed.

ORDER

The short point for consideration by the Appellate Authority is whether the appellant association can object to the project being registered with RERA authority in view of the fact that the appellant association is deprived of the relevant undivided share of land in so far as their existing flats are concerned. Further because of the new proposed phase of construction, whether their right to utilize the extra FSI accrued to that area is restricted and whether their right to utilize the common area in the entire extent of 26.58 acres is affected, affecting their legal right granted to them under the Sale Deeds.

As far as the facts are concerned it is all admitted that the members of the Appellants Association have got the sale deeds of their undivided land in the year 2011. At the time of the sale, they were given to understand that the undivided share of land was pertaining to 11.31 acres as per the original approval obtained in the year 2006. Now according to them, even in the sale deed in the year 2011, though it stated that it is in respect of the

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entire 26.58 acres, they were made to believe that the undivided share of land is only pertaining to 11.31 acres and that is why they have also given an affidavit that the undivided share of land pertains to 11.31 acres. With this background when we analyze the argument of the Appellants, what they would now contend is that as per the original approval in the Phase-II, they had the land demarcated as 11.31 acres. But it is very clear as per the inspection report of the CMDA, which was done pursuant to the direction of Hon'ble High Court in which it is clearly stated that there cannot be any demarcation without a subdivision of the 11.31 acres. Therefore as far as the flats or the common area is concerned, it all can be taken into account as an entire extent of the 26.58 acres. In the Phase-II, as extracted earlier, only 552 units have been built, that too out of the 64 blocks permitted, they had constructed only 37 blocks. Even there was an amended approval pursuant to the request of the 1st Respondent. Subsequently they had applied for the approval to put up more than 1220 dwelling units in the remaining area, of course taking the total extent of 26.58 acres virtually for the purpose of FSI and for the purpose of OSR. But now the contention of the 1st Respondents is that the Appellants Association is still having the benefit of

the entire extent as available originally to them. The undivided share of land is not in any way altered by the subsequent approval. What they have done is that they have utilized the undivided share of land for the balance area and Phase-III members would get a lesser undivided share of land as they have formulated in such a way that the members of the Appellants Association would not be affected by the subsequent construction. This they have given by way of tabulation in additional typed set of papers filed on 20-12-2018 before the Tribunal.

CGEWHO (CENTRAL GOVERNMENT EMPLOYEES WELFARE ORGANISATION), CHENNAI

UDSL(Undivided Share Land) AREA STATEMENT DETAILS IN SQ. FT.,		
TOTAL EXTENT AREA OF LAND	26.58 Acres	1157824.80 Sq. ft.,
GIFTED FOR OSR(Open Space Reservation)	2.658 Acres	115782.48 Sq. ft.,
Balance Area for Housing Development	23.922 Acres	1042042.32 Sq. ft.,
For Phase-II Development	11.31 Acres	492663.60 Sq. ft.,
For Phase-III Development	12.61 Acres	549378.72 Sq. ft.,
As per 2006 First Plan (1304 Flats)-64 Blocks		
Description as per First Plan	Phase-II (572 Flats)- 37 Blocks	Phase-III (732 Flats)- 27 Blocks
Super Built Up Area (SBA)	678236 Sq. Ft.,	807556 Sq. Ft.,
Land Area Allotted	492663.60 Sq. Ft., (11.31 Acres)	549378.72 Sq. Ft., (12.61 Acres)
Ratio of UDSL (undivided share land)	0.726	0.680
UDSL for 100 sft Built up Area	**72.60 sq. ft.,**	**68.00 sq. ft.,**

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As per 2014 Revised Plan (1792 Flats)-S+4=37 Blocks & S+10=10 Blocks		
Description as per First Plan	Phase-II (572 Flats)- 37 Blocks	Phase-III (1220 Flats)- 10 Blocks
Super Built Up Area (SBA)	678236 Sq. Ft.,	1430380 Sq. Ft.,
Land Area Allotted	492663.60 Sq. Ft., (11.31 Acres)	549378.72 Sq. Ft., (12.61 Acres)
Ratio of UDSL (undivided share land)	0.726	0.384
UDSL for 100 sft Built up Area	72.60 Sq. Ft.,	38.40 Sq. Ft.,

Note :

CMDA reports to point no. 12 & 13 in page no. 5 about within the permissible FSI and no partition.

Sale Deed in favour of allottee in para no 11 & 12 PURCHASERS committed to terms and conditions

In Affidavit para no. 3 & 4 PURCHASER committed to this respondent to agree the terms & conditions

In Scheme Brochure para no.9 under Technical brochure head informed the allottees original proposal was subject to modification.

According to them, the tabulation would clearly indicate that the undivided share area allotted to the Appellants Association, as per the 11.31 acres works out to be, for 100 sq. ft. of built up area, 72.60 sq. ft. even after the construction of 1792 flats, as per the revised plan in the year 2015, after construction of the 10 blocks, still the undivided share of land for 100 sq. ft in respect of 11.31 acres is not altered and it still remains at 72.60 sq. ft

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whereas correspondingly for the Phase-III members, the undivided share area is reduced from 68 sq. ft., to 38.40 sq. ft.,. Therefore the argument of the 1st Respondent is fair, reasonable and correct. Coupled with the fact that the CMDA's report filed before the Hon'ble High Court of Madras for the specific question by the Hon'ble High Court of Madras, the maximum permissible area, if the total extent is 26.58 acres is shown as 2.50 FSI. Whereas even after utilizing the area, the FSI has not been reached to the maximum level but has reached only to 2.05. It was also further stated that when the entire 26.58 acres is shown as single entity, the FSI achieved was only 1.84. Therefore the Appellants Association cannot have any apprehension at this point of time that their undivided share of land will anyway be affected. Further the 1st Respondent has filed an affidavit clearly giving consent for the 1st Respondent to utilize the balance area and they will not obstruct the utilization of the same. Further even according to the brochure issued by the 1st Respondent, they have informed the allottees that the original proposal was subject to modification. Further as stated above, the planning approval was sought for even in the year 2009 whereas the members of the Appellants Association got their sale deed only in the year 2011. Therefore at the

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time of application for the second approval, these persons cannot be termed as co-owners for the 1st Respondent to seek their consent for the approval. In that view of the matter, when the right of the Appellants Association is safeguarded especially by the undertaking given before this Tribunal and as well as before the Hon'ble High Court of Madras, the Appellants Association need not worry about their undivided share of land being diminished, nor their right to put up any construction utilizing the additional FSI given by the government in so far as their extent of 11.31 acres in Phase-II.

Further in so far as the FSI is concerned, also the 1st Respondent has given an undertaking that they will not put up any construction in the 11.31 acres utilizing the additional FSI granted to them as per the new master plan or subsequent grant by the government. It is also made very clear at the time of argument that even if the Appellant Association wanted to put up any construction within the 11.31 acres, in so far as the additional FSI is still available, the 1st Respondent has clearly stated that they would not object to such constructions by the members of the Appellant Association. Therefore also, the Appellants are safeguarded by the undertaking affidavit

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filed by the 1st Respondent. The said undertaking affidavit will form part and parcel of this order and the same is recorded. Any deviation from the undertaking affidavit, the 1st Respondent would be put to serious consequences.

Above all these things, the Appellants themselves also originally filed a Writ Petition No. 26755 of 2016 mainly for the relief to quash the publication put up by the 1st Respondent for the proposed Phase-III project raising all these points of FSI, undivided share of land and utilization of the common area. Originally this writ petition was dismissed. Matter was taken on appeal in the Writ Appeal No. 1603 of 2016 which was allowed remitting the matter back and thereafter the main writ petition was taken up of course after impleading the CMDA also as a party. Taking to consideration of the report of the CMDA, the Hon'ble High Court has categorically dismissed the writ petition itself mainly holding thus ;

> "8. Now, the prime question needs to answered is whether the CMDA has considered the entire extent of 26.58 acres (1,07,565.27 sq. metres) as single entity including Phase-II area, for which FSI achieved is 1.84 (FSI area : 1,97,505.34 sq. mts). It must be noted in this regard that pursuant to the representation of the Petitioner Association, on verification by the officials of CMDA, it was found that FSI area of the already existing

37 (27+10) blocks constructed in 11.31 acres works out to 1.38 only as against the maximum FSI achievable limit of 2.50. It is also further seen that even after construction of the proposed 11 blocks, which pertain to the impugned advertisement, the FSI works out to 2.025, which is admittedly well within the maximum permissible limit of 2.50. Therefore the permission granted by the CMDA for construction of 11 blocks comprising of 1220 dwelling units cannot be questioned by the Petitioner Association.

9. While coming to the issue indicated by the Division Bench as to whether the planning permission obtained by the first respondent organization in 2014 by showing the entire 26.58 acres in one composite block is in order or not, it is clearly found from the report submitted by the CMDA that the said Authority has considered the entire extent of 26.58 acres i.e., 1,07,565.27 sq. mts. as single entity for the calculation of FSI and coverage, and that the extent of 11.31 acres, where the 1st Respondent had already constructed 37(27+10) blocks, till date has not been demarcated. Therefore, the planning permission obtained by the 1st Respondent organization showing the entire 26.58 acres in composite block is in order, for, as highlighted above, even after construction of the proposed 11 blocks comprising of 1220 dwelling in the remaining 12.62 acres, which is the impugned advertisement, the FSI works out being 2.025, the same is well within the FSI limit of 2.50. Accordingly the 1st issue is answered.

10. Coming to the second issue, whether the proposed development would have the effect of diminishing the UDS that has been allotted and sold to the members of the Petitioner Association, it may be stated that earlier, when approval was issued for the construction of 64 special building blocks with 1304 dwelling units, the 1st Respondent organization has initially constructed 27 blocks with 412 dwelling units (Block-B: 8 Nos; Block-C : 2 Nos; Block-D:9 Nos; Block-E:3 Nos; Block-F:5 Nos) as could be seen from the partial completion certificate issued by the CMDA on 10-05-2012, and again, 10 more

blocks comprising 160 dwelling units ('A' type Block-4 Nos (64 dus);'B' type Block-6 Nos (96 dus)) were constructed as could be seen from the partial completion certificate issued by the CMDA vide its proceedings dated 27-12-2012. In total, the first Respondent organization has constructed 572 dwelling units (27+10 blocks) as against the original sanctioned dwelling units of 1304 (64 blocks). Now, for the remaining 27 un-built blocks, the first respondent organization has sought for permission to construct only 11 blocks comprising 1220 dwelling units and in total, this will work out to 47 blocks comprising 1792 dwelling units.

11. At this juncture, it may be mentioned herein that when there was an approval granted for 64 blocks, the first respondent has constructed 37 blocks (27+10) in 11.31 acres against the total extent of 26.58 acres, therefore, for the remaining area of 12.62 acres excluding 2.62 acres allotted to the CMDA for public purpose, they have now sought for permission to construct only 10 blocks comprising 1220 units against the left over blocks of 27. Therefore, in my view, the proposal of the first respondent organization seeking permission to construct only 11 blocks comprising 1220 dwelling units would not have the effect of diminishing the UDS allotted to the petitioners. Accordingly, in the above terms, the second issue is answered."

All the points which have been raised before this Tribunal were also raised before the Hon'ble High Court of Madras which has been negatived by the Hon'ble High Court of Madras. Till the last date of hearing, when the Orders were reserved, the Appellant Association have not preferred any appeal or obtained any stay. They only stated that they are going to prefer an appeal. In any

view of the matter, even as per our earlier discussion, the points which has been raised by the Appellant Association cannot be accepted. Lastly, the one apprehension mentioned by the Appellant that by virtue of putting up the new construction, they may not be permitted to use the common facilities which are put up in the Phase-III also cannot be accepted especially in view of the specific undertaking by the 1st Respondent themselves that all the common areas, amenities existing in the Phase-III could always be utilized by the Phase-II allottees has been recorded by this court. Even in the approved plan, wherever the common area is shown, it is very clearly mentioned that it is for the entire occupants of the 26.58 aces. Further the CMDA has categorically stated in the report before the Hon'ble High Court of Madras that there is no bifurcation of 11.31 acres and the entire lands are taken as one unit. When that is the case, the Appellant Association cannot have any apprehension that they will be in any way hampered with the utilization of the common area or the common amenities / facilities. We also make it very clear as per the undertaking the 1st Respondent would allow the Appellant Association members to utilize all the common area as per the

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approved plan and the common amenities without fail. Recording their undertaking.

Above all these things, what is now sought for by the 1st Respondent is only for registration of their project under the RERA which is a mandatory one as per Section 3 of the RERA. Only if they register under the RERA, the Appellant Association will be in a better position to approach the Authority if there is any violation. Though according to the Appellant Association, the registration is for the Phase-III project, once the project is registered, they can avail the benefits under the Act. Further as stated by the 1st Respondent, their project has already been registered by the authority. In that view of the matter also, nothing survives for the Appellant Association at this point of time. In any view of the matter, as the Appellant Association is safeguarded in the following manner even as per the undertaking given by the 1st Respondent and as per this direction of the Tribunal namely;

1. The 1st Respondent shall not put up any construction utilizing the additional FSI in the 11.31 acres allotted to Phase-II occupants.

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2. The Members of the Appellant Association, only owners of the flats in Phase-II, situated in the extent of 11.31 acres will be entitled to utilize the additional FSI unutilized in respect of their area by themselves without any hindrance from the 1st Respondent.

3. The undivided share of land as given in the schedule will not in any way be altered in so far as the 11.31 acres is concerned.

4. The members of Appellant Association will be entitled to utilize the roads, entrance plaza, community hall and open space area in the entire extent of 26.58 acres.

5. The Appellant Association will also be entitled to utilize all the common facilities in the entire extent of 26.58 acres which is already existing and which are proposed in Phase-III can be utilized by the Phase-II occupants without any hindrance.

With the grant of aforesaid safeguards to the Appellant Association, the appeal is disposed of holding that the registration of the project is valid and the Order passed by the authority is correct.

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The appeal is disposed of with the above terms and with no costs.

CHAIRPERSON

ADMN. MEMBER JUDL. MEMBER

Place : Chennai
Dated : 21-03-2019.

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