BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL (TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

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

Reserved on:19.07.2023

Delivered on: 31.07.2023

Coram : Hon'ble Mr.Justice M.Duraiswamy, Chairperson
Mr.R.Padmanabhan, Judicial Member

Appeal No.1 of 2022

1) SP. Arulappaa
2) G.Premalatha ... Appellants

- Vs -

M/s.A.N.Builders
Rep. by its Proprietor
N.Narayanan ... Respondent

Prayer: The appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, in respect of the disallowed reliefs vide order passed in C.No.131/2020 on the file of TNRERA dated 30.06.2021.

For Appellants : Mr. B.K. Sreenivasan

For Respondent : No appearance.

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ORDER

The brief facts that are relevant for the disposal of the above appeal are as follows:

1. The appellants are one among the six allottees of a standalone residential project promoted by the respondent at Door No.9, Sixth Cross Street, Lake Area, Nungambakkam, Chennai - 600 034. The appellants/allottees have filed a complaint in C.No.131/2020 before TNRERA seeking directions in respect of 6 specific reliefs (a) to (f) as mentioned in the complaint against the respondent/promoter. After hearing both sides, the TNRERA has granted only three out of six reliefs. The TNRERA while granting the three reliefs (d), (e) and (f) declined to grant the remaining three reliefs (a), (b) and (c).

2. The relief (a) is with regard to removal of overhead water tank that was constructed over and above the head room and to reconstruct the same in another appropriate place. The relief (b) is with regard to providing of IP address and password for the CCTV surveillance. The relief (c) is with regard to remove the extra car park allotted on the driveway. The appeal has been filed against the order of TNRERA declining to grant the above reliefs (a), (b) and (c).

3. Though the appeal has been filed against the disallowed reliefs the appellants had specifically given up the relief (a) with regard to the relocation of the overhead water tank and relief (c) with regard to removal of extra car park allotted on the driveway. Even at the time of advancing the argument in the appeal, the learned counsel for the appellants/allottees restricted his argument

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only with regard to the relief (b) with regard to providing of IP address and password for the CCTV surveillance. The learned counsel did not advance any argument with regard to the reliefs (a) and (c). Further, the learned counsel submitted that the appellants are ready and willing to install separate CCTV surveillance at their own cost and sought the permission of this Tribunal to install a separate CCTV surveillance. The respondent was represented by a counsel and participated in the proceedings till 21.04.2023 and failed to take part in the appeal proceedings thereafter.

4. Heard counsel for the appellants.

5. When the matter was taken up for arguments on 21.04.2023, Mr.P.Kavin Prabhu, learned counsel for the respondent, on instructions submitted that he would take necessary steps to furnish the IP address and password in respect of the CCTV surveillance system which was originally created by the builder to the appellants in two days time. The learned counsel further submitted that in the event of the other residents changed the password he would take necessary steps to share the current password with the appellants by speaking with the other flat owners. Thereafter, the learned counsel for the respondent never appeared.

6. On the same day i.e., on 21.04.2023, the learned counsel for the appellants submitted that, in the event of the respondent/promoter not providing the current password the Tribunal may consider permitting the appellants to install a separate CCTV system. It was also represented by the learned

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counsel for the appellants, that the appellants are ready and willing to bear the costs in installing a separate CCTV system.

7. Considering the entire facts and circumstances of this case and in the interest of justice we are inclined to permit the appellants to install a separate CCTV surveillance system for the separate use of the appellants at their own costs. No prejudice is going to be caused to the other allottees. However with a view to protect their privacy, it is hereby made clear that the appellants shall install their separate CCTV surveillance system without affecting the privacy of the other allottees in the project. With the above observation the appeal can be disposed of.

8. In the result, the appellants are hereby permitted to install a separate CCTV surveillance system for their separate use at their own costs, without affecting the privacy of the other allottees in the project. Accordingly, the appeal is disposed of with the above observation.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

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