BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL (TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

(Under the Real Estate Regulation And Development Act 2016)

Dated : 11.09.2023

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

Appeal Nos.55 to 57 of 2023

E.Nanda Kumar ... Appellant in A.No.55/2023

M.Gautam ... Appellant in A.No.56/2023

K.Jeya ... Appellant in A.No.57/2023

- Vs -

1. P.G.Prabhakar Reddy, Managing Director
   M/s. P dot G Constructions (P) Ltd.

2. M/s.RCC E-Construct Private Limited,
   rep. by its Legal Manager ... Respondents in all 3 Appeals

Prayer in all the 3 Appeals: The appeals have been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to set aside the order dated 19.08.2021 passed in C.Nos.90 to 92/2020 except the prayer 2 (to direct the respondent to register the project with the Authority without further delay and impose heavy levy as penalty for non registering project within time as mentioned in order dated 10.01.2020) and prayer 3 (to direct the respondent to complete the pending works of the said construction project namely "P dot G INNOVA" immediately failing which direct to pay adequate compensation for the said delay) and

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to pass the order as prayed in the complaint by allowing the appeal with costs.

For Appellants (in all 3 Appeals)	: Mr.S.K.Rahul Vivek and Mr.K.Amul Raj for Mr.P.Venkatesan
For 1st Respondent	: No appearance (in all 3 Appeals)
For 2nd Respondent	: Mr.Adithya Suresh (in all 3 Appeals)

COMMON ORDER

Challenging the order passed by the TNRERA in C.Nos.90 to 92 of 2020, the complainants have filed the above appeals.

2. Since the issues involved in the present appeals are common and that the TNRERA had passed a common order in all the three complaints, we are disposing of the above appeals by this common order.

3. The complainants sought for the following reliefs:

(i) to pass an order of permanent injunction as against the respondent to restrain from enforce the demand letter dated 23.05.2020, 31.05.2020 and email dated 11.08.2020.

(ii) to direct the respondent to register the project with the Authority without further delay and impose heavy levy as penalty for non registering project within time as mentioned in order dated 10.01.2020.

(iii) to direct the respondent to complete the pending works of the said construction project namely "P dot G INNOVA" immediately failing which direct to pay adequate compensation for the said delay.

(iv) to direct to pay adequate compensation for a sum of Rs.2,40,000/- (Rupees Two Lakhs Forty Thousand only) and for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) for mental agony for extraordinary

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delay to complete the said project and deterioration of the said flat as well as common usage.

4. It is not in dispute that the project was registered with the TNRERA on 04.05.2021. The validity of the Registration Certificate was till 27.07.2023. In Clause-2(iv) of the Registration Certificate, the TNRERA had clarified that the registration shall be valid till 27.07.2023 unless renewed by the Real Estate Regulatory Authority in accordance with Section 6 read with Rule 7 of the Act.

5. Mr. S.K.Rahul Vivek, learned counsel for the appellants submitted that the registration of the project granted by the TNRERA had expired on 27.07.2023 and the 2nd respondent had not renewed the registration till today.

6. The Registry also verified from the Registry of the TNRERA as to whether the registration made till 27.07.2023 has been extended. The TNRERA informed the Registry of this Tribunal that the registration has not been extended after 27.07.2023 till today.

7. Since the registration has not been extended after 27.07.2023, the learned counsel appearing for the appellants submitted that the 1st prayer sought for by the complainants before the TNRERA has become infructuous for the present and a fresh cause of action will arise only in the event of the registration granted till 27.07.2023 is extended. Further, the learned counsel submitted that in the event of the registration being extended after 27.07.2023 and in the event of the 2nd respondent issuing fresh demand, it would be open to the appellants to file fresh complaints before the TNRERA challenging such demands, if so advised.

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8. So far as the 2nd prayer is concerned, the learned counsel appearing for the appellants submitted that since the 2nd respondent had registered the project with the TNRERA on 04.05.2021, the said prayer has become infructuous.

9. With regard to the 3rd prayer, the learned counsel appearing for the appellants submitted that the appellants would work out their remedy by filing an Execution Petition before the TNRERA.

10. So far as the 4th prayer is concerned, the learned counsel for the appellants, on instructions, submitted that he is giving up the said prayer and has also made an endorsement to that effect.

11. Mr.Adithya Suresh, learned counsel for the 2nd respondent submitted that the submissions made by the learned counsel for the appellants may be accepted and the appeals may be disposed of. The learned counsel for the 2nd respondent also submitted that the 2nd respondent had applied for extension of the registration on 29.05.2023. However, no order has yet been passed by the TNRERA for extension of the registration.

12. Recording the submissions made by the learned counsel on either side, we are disposing of the appeals with the following observations:

(i) so far as the 1st prayer made by the appellants before the TNRERA are concerned, in the event of the registration being extended from 27.07.2023, it is open to the 2nd respondent to issue a fresh demand to the appellants and in such a case, it is open to the appellants to challenge the same before the appropriate forum in accordance with law. In the case of complaints being filed by the appellants before the TNRERA, the TNRERA shall pass orders, on merits and in accordance with

law, uninfluenced by any of the observations made in the order dated 19.08.2021 in C.Nos.90 to 92 of 2020, which is impugned in the above appeals;

(ii) the 2nd prayer stands dismissed as infructuous;

(iii) insofar as 3rd prayer is concerned, the appellants are at liberty to file Execution Petitions in accordance with law before the TNRERA; and

(iv) the last prayer sought for is dismissed as not pressed.

13. With these observations, the appeals are disposed of.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

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