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 : 02.02.2024

Delivered on : 09.02.2024

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

Appeal No.7 of 2024

M/s. Puravankara Projects Limited,
rep. by its Authorized Signatory,
Aravindhaan.B.S. ... Appellant

(Cause title is accepted as per order dated 24.01.2024 in M.A.No.5/2024)

- Vs -

1. R. Ravichandran
2. R. Sriram
3. Ramachander Sundaram
4. S. Moses Jebasingh
5. R. Hannah Shanthini
6. S.V. Ram Prasadh
7. J.Srivenkatesh
8. S. Vaidyanathan
9. V. Lalitha
10. R. Brila

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11. B. Vijayalakshmi
12. S. Sumithra
13. S. Kannan
14. H. Sunil Suresh
15. G. Abirami
16. S. Umamaheswari
17. R. Shivkumar
18. V.B.Bijju
19. A. Priyanka
20. Ramkrishna Sundaram
21. Aliyamma Joshi
22. Joshi Philip
23. S. Sowmya
24. H. Arun
25. S. Lokeshnath
26. A. Anjanram
27. Shradha Puthanpure
28. Ashik Ahamed

... Respondents

Prayer: The appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to set aside the impugned order dated 13.09.2023 passed in E.P.No.21/2023 in C.No.217/2021 by the Tamil Nadu Real Estate Regulatory Authority only in respect to para Nos. 3,4,5 & 6 and to allow the appeal as prayed for.

For Appellant : Ms. Meha Varshni M.R.

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ORDER

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

1. The respondents/allottees have jointly preferred a complaint against the appellant/promoter in C.No.217 of 2021 before the TNRERA seeking to rectify certain defects in the construction and for providing certain assured amenities. After hearing both sides, the TNRERA, by its order dated 10.06.2022, issued various directions as prayed for by the respondents/allottees. Further, the TNRERA also directed registration of the project with TNRERA in respect of 10 blocks (Block Nos.13 to 22) accommodating 896 dwelling units. The TNRERA had granted time till 30.09.2022 for registering the project in respect of those 10 blocks. Further, the TNRERA directed the appellant/promoter to file a compliance report on or before 30.09.2022.

2. Later, the respondents/allottees have filed an Execution Petition in E.P.No.21 of 2023 to execute and implement the order dated 10.06.2022 passed by the TNRERA in C.No.217 of 2021. After hearing both sides, the TNRERA passed an order dated 13.09.2023 in E.P.No.21 of 2023, imposing a penalty of Rs.15,00,000/- for not registering the project as per the directions of the TNRERA. Aggrieved over the imposition of penalty, the appellant/promoter has preferred the above appeal before this Tribunal.

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3. Heard the learned counsel for the appellant. Perused the materials available on record.

4. The TNRERA, by its order dated 10.06.2022 in C.No.217 of 2021, issued various directions including registration of the project in respect of the 10 blocks (Block Nos. 13 to 22). Admittedly, the appellant has not preferred any appeal as against the order passed in C.No.217 of 2021 dated 10.06.2022. Therefore, the said order has become final.

5. The present appeal has been preferred by the appellant as against the order passed in the Execution Petition, imposing a penalty of Rs.15,00,000/- for not complying with the direction by registering the project in respect of the 10 blocks.

6. As per Section 59(2) of the Real Estate (Regulation and Development) Act, 2016, if any promoter fails to comply with the orders, decisions or directions issued under sub-Section 1 or continues to violate the provisions of Section 3, he shall be punishable with imprisonment for a term which may extend up to 3 years or with fine which may extend up to a further 10% of the estimated cost of the real estate project or with both. By invoking the provisions of Section 59(2), the TNRERA, had imposed a penalty of Rs.15,00,000/- on the promoter. The imposition of penalty for not registering the project and for not complying with the order made in C.No.217 of 2021 is just and proper.

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7. We find no illegality in the order passed by the TNRERA in E.P.No.21 of 2023 in C.No.217 of 2021. The appeal is devoid of merits and the same is liable to be dismissed. Accordingly, the appeal is dismissed. It is needless to mention that the appellant shall comply with the order passed by the TNRERA in E.P.No.21 of 2023 in C.No.217 of 2021.

Sd/- xxxx
CHAIRPERSON

Sd/- xxxx
JUDICIAL MEMBER

Copy to:

1. The TNRERA.

2. R. Ravichandran
   Block C23, Flat/Apt #506, Puravankara
   Windermere, Bhavani Amman Koil Street,
   Pallikaranai, Chennai - 600 100.

3. R. Sriram
   Block C23, Flat/Apt #506, Puravankara
   Windermere, Bhavani Amman Koil Street,
   Pallikaranai, Chennai - 600 100.

4. Ramachander Sundaram
   Block C23, Flat/Apt #701, Puravankara
   Windermere, Bhavani Amman Koil Street,
   Pallikaranai, Chennai - 600 100.

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5. S. Moses Jebasingh
   Block C23, Flat/Apt #702, Puravankara
   Windermere, Bhavani Amman Koil Street,
   Pallikaranai, Chennai - 600 100.

6. R. Hannah Shanthini
   Block C23, Flat/Apt #702, Puravankara
   Windermere, Bhavani Amman Koil Street,
   Pallikaranai, Chennai - 600 100.

7. S.V. Ram Prasadh
   Block C23, Flat/Apt #103, Puravankara
   Windermere, Bhavani Amman Koil Street,
   Pallikaranai, Chennai - 600 100.

8. J.Srivenkatesh
   Block C20, Flat/Apt #103, Puravankara
   Windermere, Bhavani Amman Koil Street,
   Pallikaranai, Chennai - 600 100.

9. S. Vaidyanathan
   Block C20, Flat/Apt #203, Puravankara
   Windermere, Bhavani Amman Koil Street,
   Pallikaranai, Chennai - 600 100.

10. V. Lalitha
    Block C20, Flat/Apt #203, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

11. R. Brila
    Block C22, Flat/Apt #502, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

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12. B. Vijayalakshmi
    Block C22, Flat/Apt #502, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

13. S. Sumithra
    Block C23, Flat/Apt #606, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

14. S. Kannan
    Block C23, Flat/Apt #606, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

15. H. Sunil Suresh
    Block C20, Flat/Apt #204, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

16. G. Abirami
    Block C20, Flat/Apt #204, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

17. S. Umamaheswari
    Block D15, Flat/Apt #106, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

18. R. Shivkumar
    Block D15, Flat/Apt #106, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

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19. V.B.Bijju
    Block D15, Flat/Apt #303, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

20. A. Priyanka
    Block D15, Flat/Apt #303, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

21. Ramkrishna Sundaram
    Block C23, Flat/Apt #705, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

22. Aliyamma Joshi
    Block C23, Flat/Apt #602, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

23. Joshi Philip
    Block C23, Flat/Apt #602, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

24. S. Sowmya
    Block C23, Flat/Apt #601, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

25. H. Arun
    Block C23, Flat/Apt #601, Puravankara
    Windermere, Bhavani Amman Koil Street,
    Pallikaranai, Chennai - 600 100.

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26. S. Lokeshnath
Block D14, Flat/Apt #705 &
Block E5, Flat/Apt # 108, Puravankara
Windermere, Bhavani Amman Koil Street,
Pallikaranai, Chennai - 600 100.

27. A. Anjanram
Block B1, Flat/Apt #305, Puravankara
Windermere, Bhavani Amman Koil Street,
Pallikaranai, Chennai - 600 100.

28. Shradha Puthanpure
Block B1, Flat/Apt #305, Puravankara
Windermere, Bhavani Amman Koil Street,
Pallikaranai, Chennai - 600 100.

29. Ashik Ahamed
Block C23, Flat/Apt #706, Puravankara
Windermere, Bhavani Amman Koil Street,
Pallikaranai, Chennai - 600 100.

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