

BY RPAD



**TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI**

Quorum : Thiru.Sunil Kumar, I.P.S.(Retd), Chairperson i/c, Hon'ble Single Member

Execution Petition E.P.No.002/2023 in C.No.101/2021

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

Letter No. TNRERA/A4/1911/2024

Dated : 23.05.2024

To
The District Collector,
Chengalpattu District Collectorate,
Chengalpattu.

Sir,

Sub: Execution of warrant under section 40(1) RERA read with
Rule 26 of TNRERA (Regulation & Development) Rules, 2017
issued in the above said Execution Petitions

I am forwarding herewith the recovery warrant for execution at your end as mandated under section 40(1) of The Real Estate (Regulation and Development) Act, 2016 r/w Rule 26 of Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 for necessary action.

Yours faithfully,

S. Subbaraj

**for Chairperson i/c ,
TNRERA**

S. Subbaraj

Copy to:

Counsel for Complainant

TAMIL NADU REAL ESTATE REGULATORY AUTHORITY (TNRERA)
1st Floor, No.1-A, Gandhi Irwin Bridge Road, Egmore, Chennai-600 008.

Recovery Order

U/s. 40 (1) of Real Estate (Regulation and Development) Act, 2016 and read with Rule 26 of Tamil Nadu Real Estate (Regulation and Development) Rules, 2017.

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/Complainants
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) K.Santhanam, (3) V.Mani, (4) N.V.S.Srirengarajan, (5) M.Karthikeyan & (6) K.Selvakumar]	Respondent/ Respondent
E.P.No.004/2023 in C.No.66/2021			
1) Thiru R.Sathish Kumar 2) Tmt. N.Sujatha			Execution Petitioners/Complainants
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) K.Santhanam,]	

(3) V.Mani,] Respondent/ Respondent
(4) N.V.S.Srirengarajan,	
(5) M.Karthikeyan &	
(6) K.Selvakumar	

Whereas the above named Execution Petitioner/Complainant has filed a execution petition against the Respondent and the complaint was heard by the Authority and Final Orders was passed on 13.09.2023. The property project is Construction of Apartments at S.No.310/1, 2, 311/1, 2, 3 etc. Nedunkundram Village, Abutting Puthur Alapakkam Road, Perungalathur, Chennai-63 within the Kattankulathur Panchayat Union Limit and the another project is "SSM Nagar Housing Complex" at Nedunkundram Village, Construction of Apartments at S.No.310/1, 2, 311/1, 2, 3 etc. Nedunkundram Village, Abutting Puthur Alapakkam Road, Perungalathur Chennai-63 within the Kattankulathur Panchayat Union Limit.

The Respondent, 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 . As the respondent has not registered the real estate project with this Authority. Therefore, under Section 51 of the Act, this Authority imposed a penalty of Rs.30,00,000/- (Rupees Thirty Lakhs only) on the Respondent promoter. This penalty shall be paid before 30.11.2023.

This Authority under Section 63 of the Act, for failure to comply with the direction of the Authority to register this real estate project with this Authority imposed penalty Rs.3,000/- per day cumulative extend of to Rs.30,00,000/- on the Respondent promoter.

Under Section 63 of the Act, this Authority imposed a penalty of Rs.3,000/- per day which may extend upto Rs.3,00,000/- till the

Respondent promoter handover the maintenance of common amenities already completed to the Association of Allottees as per Section 17 of the Act.

Therefore, under Section 63 of the Act, this Authority impose a penalty of Rs.1000/- per day which may cumulative extend upto Rs.1,00,000/- till the Respondent promoter furnish the copy of completion certificate issued by CMDA to the Execution Petitioner, on the Respondent vide Orders dated 13.09.2023 in **E.P.No.002/2023** in **C.No.101/2021** and **E.P.No.004/2023** in **C.No.66/2021** and directed that the amount has to be recovered from the Respondent by the District Collector, Chengalpattu as land revenue under the Tamil Nadu Revenue Recovery Act, 1864 and on recovery of the amount from the Respondent, the District Collector, Chennai has to remit the same to this Authority by Demand Draft in favour of TNRERA, payable at Chennai.

P. Srinivasan
for Chairperson i/c,
TNRERA

Encl: Final Orders of this Authority dt.13.09.2023.



**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

13th 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. Stirengarajan,]
(4) M. Karthikeyan &]
(5) K. Selvakumar]

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 2/3rd 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

[Handwritten Signature]
ADMINISTRATIVE OFFICER
13/9/23

CERTIFIED TO BE TRUE COPY
N. *[Handwritten Signature]*
13/6/2023
LAW OFFICER
TN REAL ESTATE REGULATORY AUTHORITY