



**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY
CHENNAI
COMPLAINT NO.146/2017**

K.J. Pappachen ... Complainant

Versus

M/s. Rakindo Kovai Township Pvt. Ltd.,
Rep. by Karthik Subramaniam, CEO ... Respondent

Coram : Thiru S. Krishnan, I.A.S.
Principal Secretary to Government
Housing & Urban Development Dept and
Real Estate Regulatory Authority

FINAL ORDER

The complainant has filed under Section 31 of the Act against the Respondent for rectifying the defects in the design and the construction of residential house (Row House) RH-77 at Project "Orchid" at Kovaipudur, Coimbatore District. The complainant has booked a Row House No.77 in the Project "Orchid" Kovaipudur Coimbatore during December 2009. He had initially booked RH-21 on 24.12.2009. Subsequently, the Management changed the construction and allotted RH-52. As the Respondent was not in a position to obtain necessary approval for RH-52, they have persuaded the complainant to take an alternate Row House No.77 with 1551 sq.ft. instead of RH-52. The complainant has entered into an agreement on 09.09.2011.

The Respondent stated that their project "Orchid" is a completed project and relevant documents have been filed to the competent Authority vide File

No.12780/2017/Spl.Cell. The Respondent further stated that the Row House-77 was handed over during July 2013 to the complainant and the complainant has chosen to file the complaint after lapse of 4 years. The complainant has taken a stand that the project "Orchid" is a completed project and does not come within the purview of Real Estate (Regulation & Development) Act, 2016. The Respondent further submitted that the complainant has filed a case before the District Consumer Disputes Redressal Forum, Coimbatore in C.C.No.195/2014. This Authority has directed the CTCP to file an Inspection Report to confirm the stand taken by the complainant stating that the project is a completed project.

The Member Secretary i/c, Local Planning Authority in Letter No.1162/2018/LPA-1, dated 19.04.2018 furnished a report to the Commissioner of Town and Country Planning and the CTCP has forwarded the inspection report vide Letter Roc.No.4538/2018 CP, dt.27.04.2018. The LPA, Coimbatore reported that DTCP has given a concurrence for the development in S.No.1012/1A, 1B, 2, 3, 4A, 4B, 4C, 1014/1 and 1015/2, Madukkarai Village, Madukkarai Taluk, Coimbatore District promoted by M/s. Rakindo Kovai Township Pvt. Ltd. for the construction of group development. Further, the LPA has issued planning permission vide No265/09, dt.30.10.2009 and Building Permit by the Local Body concerned in Letter No.99, dt.06.01.2010. The LPA, Coimbatore further reported that all the group development buildings have been constructed and used by the allottees. Further, requisition of exemption for RERA is not pending in LPA, Coimbatore.

The Respondent has taken a stand that the project does not have to be registered with RERA, since it is a completed project and handed over to the allottee before RERA came into force. As it is clear that the present project is not an "ongoing project" which can be brought within the ambit of the Real

Estate (Regulation and Development) Act, 2016. Therefore, as the house booked by the complainant is not a part of any project registered with RERA, this Authority has no jurisdiction to entertain this complaint, and is liable to be dismissed.

Sd/-.....02.07.2018
Principal Secretary to Govt., H&UD Dept., and
Real Estate Regulatory Authority

/TRUE COPY/FORWARDED/BY ORDER


GRIEVANCE OFFICER