

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 : 24.06.2026

Coram : Hon'ble Mr.Justice M.Duraiswamy, Chairperson
Mr.K.Babu, Judicial Member

Appeal No.49 of 2026
and
M.A.No.141 of 2026

A.Xavier

Vs.

... Appellant

Tamil Nadu Real Estate Regulatory
Authority (TNRERA)
rep. by its Secretary

... Respondent

Appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to allow the appeal and to pass an order to set aside the notice dated 13.03.2026 in TNRERA/PLI/0384/2026 passed by the Tamil Nadu Real Estate Regulatory Authority (TNRERA), Chennai.

For Appellant : Mr. H.Paresh

ORDER

Challenging the order passed by the TNRERA dated 13.03.2026 imposing a penalty of Rs.31,61,300/- under Section 59(1) for violation of Section 3(1) of the Act, the developer has filed the above appeal.

2. Under Section 3(1) of the Real Estate (Regulation and Development) Act, 2016, no promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under the Act.

3. The TNRERA found, on perusal of the Encumbrance Certificate, that the appellant had sold 154 plots without the TNRERA registration under Section 3(1) of the Act. In these circumstances, the TNRERA imposed a penalty under Section 59(1), which prescribes a penalty upto 10% of the estimated cost of the real estate project as determined by the TNRERA. Taking into consideration, the provisions of Sections 3(1) and 59(1) of the Act, the TNRERA imposed a penalty of Rs.31,61,300/- for the violation of Section 3(1).

4. When the appellant had sold 154 plots without TNRERA registration, which came to the notice of the TNRERA by the Encumbrance Certificate produced by the appellant, imposition of penalty of Rs.31,61,300/- cannot be found fault.

5. When Section 3(1) mandates registration of the project, the non registration of the project by the appellant was rightly dealt with by the TNRERA.

6. It is not the case of the appellant that they have not sold 154 plots without TNRERA registration.

7. In these circumstances, we do not find any error or irregularity in the order passed by the TNRERA. The appeal is devoid of merits and the same is dismissed. Consequently, the connected Miscellaneous Application is closed.

Sd/- xxxx
JUSTICE M.DURAIWAMY
CHAIRPERSON
24.06.2026

Sd/- xxxx
K.BABU
JUDICIAL MEMBER
24.06.2026

Copy to

Tamil Nadu Real Estate Regulatory
Authority (TNRERA)
rep. by its Secretary,
TNRERA Building,
No.133, G-Block, 1st Avenue,
Anna Nagar (East),
Chennai - 600 102.

