

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: 01.07.2026

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

Appeal No.47 of 2026

Venkatakrishnan Ramaswamy
rep. by his duly authorized
POA P.K.Ramaswamy

... Appellant

Vs.

M/s.Green Avenue Homes & Gardens
rep. by its Proprietor D.Dinakaran

... Respondent

Appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 (a) to allow the present appeal and set aside and modify the impugned order dated 11.03.2026 passed in E.P.No.5 of 2025 in C.No.77 of 2023 passed by the Tamil Nadu Real Estate Regulatory Authority (TNRERA), Chennai by modifying the order to ensure compliance of all directions passed in the order dated 09.01.2025 in C.No.77 of 2023 passed by the Tamil Nadu Real Estate Regulatory Authority viz. (i) directing the respondent promoter to hand over the possession of Villa B4-“Dakshin Avenue IV”, Unamacheri Village, Chengalpattu Talu, Kancheepuram District on “As is where is” basis on or before 31.3.2025 and directing the complainant to take possession of the above Villa on “As is where is” basis; (ii) further directing the respondent to complete the common amenities in the project, which shall be

enjoyed in common by the complainant along with the other purchasers of the above said project, on or before 31.5.2025; (iii) further, imposing penalty of Rs.5,00,000/- (Rupees five lakh only) to the respondent for not registering the project under TNRERA as per directions of this authority in C.No.165 of 2018, dated 20.6.2019 and C.No.307 of 2019, order dated 21.11.2019. The respondent has to pay the above penalty to TNRERA on or before 31.3.2025 and (b) to grant the costs of the appeal against the respondent.

For Appellant : Mr.M.Ravi Kiran

ORDER

Challenging the order passed in E.P.No.5 of 2025 in C.No.77 of 2023 dated 11.03.2026 on the file of the TNRERA, the complainant has filed the above appeal.

2. The complainant filed the complaint in C.No.77 of 2023 to permit him to take possession of the Villa without the interference or indulgence of the respondent, if the said prayer is allowed, to set the handover of possession as the date of the order passed in the complaint by the TNRERA, to direct the respondent to complete the common amenities in the project and for other reliefs.

3. Admittedly, the project is an un-registered project. Since the respondent nor their counsel appeared before the TNRERA, the respondent was set *ex parte* on 19.06.2024.

4. Taking into consideration the materials available on record, the TNRERA disposed of the complaint by directing the respondent/promoter to hand over possession of the Villa B4 - "Dakshin Avenue IV", on "as is where is" basis on or before

31.03.2025 and also directed the complainant to take possession of the Villa. The TNRERA also directed the respondent to complete the common amenities in the project on or before 31.05.2025. The TNRERA imposed penalty of Rs.5,00,000/- for not registering the project under Section 3 of the Real Estate (Regulation and Development) Act, 2016 as per the directions of the Authority in C.No.165 of 2018 dated 20.06.2019 and C.No.307 of 2019 dated 21.11.2019. Since, the respondent/promoter failed to comply with the directions issued by the TNRERA in C.No.77 of 2023, the complainant filed an Execution Petition in E.P.No.5 of 2025 to execute the order made in C.No.77 of 2023. Even in the Execution Petition, the respondent did not appear.

5. With regard to the registration of the project alone, the TNRERA directed the Law Officer, TNRERA to ascertain whether any application has been submitted by the respondent/promoter for registration of the real estate project and if the project is not registered, directed the Law Officer to proceed with filing criminal complaint against the respondent/promoter under Section 59(2) of the Act.

6. With regard to the other reliefs granted by the TNRERA in the order dated 09.01.2025 in C.No.77 of 2023, namely, for handing over possession of the Villa and to complete the common amenities in the project, the TNRERA has not considered and passed any order in E.P.No.5 of 2025. There is no error in the direction given by the TNRERA to the Law Officer, TNRERA to proceed against the respondent/promoter under Section 59(2) for non-registration of the project. But, the TNRERA should have

also considered the other two reliefs granted by the Authority in C.No.77 of 2023 when the said order has become final. Therefore, it would be appropriate to direct the TNRERA to consider the other two reliefs, namely, (i) directing the respondent/promoter to hand over possession of the Villa and (ii) directing the respondent/promoter to complete the common amenities in the project and in E.P.No.5 of 2025 and pass orders, on merits and in accordance with law.

7. It is pertinent to note that the TNRERA has neither given any direction nor rejected the two reliefs granted in C.No.77 of 2023. If these two prayers are not considered by the TNRERA, the purpose of getting these two reliefs in C.No.77 of 2023 would be lost. The order passed by the TNRERA in E.P.No.5 of 2025 cannot be construed as a final order. On a reading of the impugned order, it is clear that the TNRERA had passed the order only with regard to registration of the project in the Execution Petition. The TNRERA had not disposed of the Execution Petition by the impugned order.

8. In such circumstances, we remit the Execution Petition in E.P.No.5 of 2025 in C.No.77 of 2023 back to the TNRERA for considering the other two reliefs granted in C.No.77 of 2023 and pass orders with regard to the said reliefs. Accordingly, we remit E.P.No.5 of 2025 in C.No.77 of 2023 back to the TNRERA to consider the other two reliefs granted in C.No.77 of 2023 and pass orders, on merits and in accordance with law, after giving due opportunity of hearing to both the parties.

9. With these observations, the appeal is disposed of.

Sd/- xxxx
JUSTICE M.DURAIWAMY
CHAIRPERSON
01.07.2026

Sd/- xxxx
K.BABU
JUDICIAL MEMBER
01.07.2026

Copy to

1. The TNRERA
2. M/s.Green Avenue Homes & Gardens
rep. by its Proprietor D.Dinakaran
Dakshin City Site Office, Dakshin Avenue Phase-III,
Unamacherry, Kolapakkam Post,
Chennai - 600 048.

