

Appeal No.48 of 2026

**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: 19.08.2026

Delivered on: 24.08.2026

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

Appeal No.48 of 2026  
and  
M.A.No.122 of 2026

M/s.Akshaya Private Limited  
rep. by its Director J.Ravi

... Appellant

Vs.

1. HQ Owners Association,  
rep. by its Secretary, Venkatesan
2. M/s.Akshaya Leisure Pvt. Ltd.,  
rep. by its Director
3. M/s.Vistra IRCL (India ) Limited,  
(Formerly known as IL & FS Trust Company Limited)  
rep. by its Director

... Respondents

Appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to set aside the order of the Authority in C.No.156 of 2024 dated 12.03.2026 passed by the TNRERA, Chennai.

For Appellant : Mr.Mani Sundargopal

For Respondents : Mr.R.Prithviraj Pandian (R1)

Ms.Annaliza Tojo (R2)

Mr.Jeevan Hari (R3)

**ORDER**

The above appeal arises against the order passed in C.No.156 of 2024 dated 12.03.2026 on the file of the Tamil Nadu Real Estate Regulatory Authority.

2.The 1<sup>st</sup> respondent in the complaint is the appellant/promoter. The complainant is the 1<sup>st</sup> respondent and the respondents 2 & 3 in the complaint are the respondents 2 & 3 herein.

3.The 1<sup>st</sup> respondent/complainant Association filed the complaint to direct the appellant/promoter and the respondents 2 & 3 to hand over the original Title Deeds pertaining to the project HQ, to direct the appellant/promoter to pay maximum penalty under Section 61 of the Act for violations, to direct the appellant/promoter and the respondents 2 & 3 to pay cost and legal expenses of Rs.1,00,000/- and to direct the appellant/promoter and the respondents 2 & 3 to register the project “Akshaya HQ” with the Real Estate Regulatory Authority.

4.The appellant/promoter developed a project called “Akshaya HQ” in Rajiv Gandhi Expressway, Survey No.209/1B, Kazhipattur Village, Thiruporur Taluk, Chengalpattu District comprising of 28 units spread over five floors. The 2<sup>nd</sup> respondent is the Power Agent of the Group Company. The members of the 1<sup>st</sup> respondent/complainant Association purchased Flats in “Akshaya HQ” project developed by the appellant.

5.In the complaint, the 1<sup>st</sup> respondent/complainant Association has stated that there were no outstanding dues to the appellant and the 2<sup>nd</sup> respondent and even the purported dues claimed by the appellant are alleged outstanding amounts from certain owners/occupants of “Akshaya HQ” and the same allegedly arise from the time when common maintenance was carried out by M/s.Akshaya Services Private Limited. The 1<sup>st</sup> respondent/complainant Association contended that they are not accountable for the alleged dues and the same cannot be linked to the handing over of the Title Deeds, which are in possession of the appellant/promoter. On 25.05.2022, the 1<sup>st</sup> respondent/complainant Association requested the appellant and the 2<sup>nd</sup> respondent, through e-mail, to hand over the Title Deeds. The 1<sup>st</sup> respondent/complainant Association contended that the appellant and the 2<sup>nd</sup> respondent cannot with-hold the Title Deeds.

6.Mr.Mani Sundargopal, learned counsel appearing for the appellant/promoter submitted that some of the allottees have not paid the outstanding amount to the appellant/promoter till today. Further, the learned counsel submitted that in the event of all the allottees paying their outstanding dues to the appellant/promoter, the appellant/promoter has no hesitation to hand over the Title Deeds to the 1<sup>st</sup> respondent/complainant Association.

7.The appellant contended that the project was commenced as early as in April 2007 and the time line for completion of the project was in June

2008. Further, the appellant contended that the Completion Certificate for the said project was issued by the Muttukadu Village Panchayat on 01.08.2008 (i.e.) nine years prior to the advent of the Real Estate (Regulation and Development) Act, 2016 and the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017.

8.Mr.Mani Sundargopal, learned counsel appearing for the appellant/promoter submitted that since the project was completed and the Completion Certificate was issued as early as on 01.08.2008 much prior to the coming into force of the RERA Act, the complaint filed by the 1<sup>st</sup> respondent/complainant Association is not maintainable. Further, the learned counsel submitted that the Completion Certificate issued by the Muttukadu Village Panchayat on 01.08.2008, is a valid document in the year 2008, therefore, the RERA Act has no application for the case on hand.

9.Mr.R.Prithviraj Pandian, learned counsel appearing for the 1<sup>st</sup> respondent/complainant Association contended that since the appellant/promoter has not handed over the Title Deeds, it should be construed as an on-going project, hence, the RERA Act is applicable. Further, the learned counsel submitted that the Completion Certificate issued by the Muttukadu Village Panchayat is not a valid document.

10.In support of his contention, the learned counsel relied upon a common order of this Tribunal made in **Appeal No.16 of 2022 & Appeal No.72 of 2023 dated 22.11.2023 [Rhythm Residents Flat Owners Welfare**

Association, rep by its President and Authorized Signatory R.Padmanabhan Vs. 1.M/s.Yes & Yes Premier Hi-tech Homes India Pvt. Ltd., rep by its Executive Director B.Ravi; 2.A.K.Balasubramanian], wherein this Tribunal held that the Completion Certificate should be issued only by the Plan Sanctioning Authority and not by the President of the Village Panchayat in his individual capacity. In the said case, it is pertinent to note that the President of the Village Panchayat issued the Completion Certificate on 28.01.2023 (i.e.) after coming into force of the RERA Act and also the Government Order in G.O.(Ms.) No.53, Housing and Urban Development [UD4(3)] Department, dated 16.04.2018, wherein the Government, after careful examination, ordered that a valid Completion Certificate should be obtained from the concerned Planning Authority. In para-2(f) of the Government Order, it has been stated that the Completion Certificate norms will be made applicable prospectively from the date of issue of the said order and will be applicable for all the planning permissions issued from the date of issuance of the said order (i.e.) 16.04.2018.

11.When G.O.(Ms.) No.53 dated 16.04.2018 is prospective, it cannot be contended by the 1<sup>st</sup> respondent/complainant Association that the Completion Certificate issued by the Muttukadu Village Panchayat on 01.08.2008 is invalid. Since the appellant/promoter had obtained the Completion Certificate from Muttukadu Village Panchayat as early as on

01.08.2008 (i.e.) much prior to the inception of RERA Act, the provisions of the Act are not applicable to the case on hand.

12.The learned counsel appearing for the 1<sup>st</sup> respondent also relied upon a judgment of the Hon'ble High Court of Madras dated 16.02.2021 made in C.M.S.A.No.27 of 2020 [M/s.SARE Shelters Project Pvt. Ltd. Sare Homes Project Office, Crescent Parc Dewy Terraces Residential Complex, Sowbhagya Vijayam Nagar, Thiruporur, Chengalpattu Dist.- 603 110. Vs. 1.SARE SQUIRES, Sare Homes Crescent Parc Dewy Terraces OMR Road Project, Sowbhagya Vijayam Nagar, Thiruporur, Chengalpattu Dist.- 603 110 and 2.Dewy Terraces (Phase-I) Flat Owners' Welfare Association, C-212, Phase-1, Dewy Terraces, Crescent Parc, Thiruporur, Chengalpattu Dist.-603 110.] wherein the Hon'ble High Court, in a case where the application of the RERA Act was not disputed, held that the Completion Certificate issued by the Executive Officer, Town Panchayat is not a valid certificate. In the case on hand, the appellant contended that the project was completed as early as on 01.08.2008 and they have also obtained the Completion Certificate from the Muttukadu Village Panchayat, therefore, the RERA Act is not applicable.

13. Though there is no dispute with regard to the ratio laid down by the Hon'ble High Court, since the facts and circumstances of the present case are completely different, the said judgment is not applicable. As already stated, since the Completion Certificate was obtained about nine

years prior to the coming into force of the RERA Act, the judgment relied upon by the learned counsel appearing for the 1<sup>st</sup> respondent is not applicable to the facts and circumstances of the present case.

14.The only contention raised by the 1<sup>st</sup> respondent/complainant Association was that since the appellant/promoter failed to obtain the Completion Certificate from the Planning Authority, the project should be construed as an on-going project.

15.As already stated, since the project was completed in the year 2008 itself, the RERA Act has no application. The TNRERA erroneously followed the order dated 22.11.2023 made by this Tribunal in Appeal No.16 of 2022 & Appeal No.72 of 2023 and held that the appellant should have registered the project under Section 3 of the Act and also imposed a penalty of Rs.3,00,000/- for violation of Section 3 of the Act. When the Act has no application for “Akshaya HQ” project developed by the appellant, the order passed by the TNRERA is liable to be set aside.

16.The appellant filed their preliminary counter raising an issue with regard to the maintainability of the complaint for the reason that the project was completed as early as on 01.08.2008 (i.e.) nine years prior to the coming into force of the RERA Act. While deciding the said preliminary issue, the TNRERA came to the conclusion that the complaint is maintainable and also levied penalty on the appellant for non-registration of the project.

17.Since the provisions of the Real Estate (Regulation and Development) Act, 2016 has no application to the “Akshaya HQ” project developed by the appellant, the TNRERA has no jurisdiction to entertain the complaint filed by the 1<sup>st</sup> respondent/complainant Association. The Completion Certificate issued by the Muttukadu Village Panchayat on 01.08.2008 is valid for the reason that it was issued much prior to the coming into force of RERA Act and also G.O.(Ms.) No.53 dated 16.04.2018. Therefore, the project should be construed as a completed project as on 01.08.2008.

18.For the reasons stated above, the complaint filed by the 1<sup>st</sup> respondent/complainant Association before the TNRERA is not maintainable. Hence, the complaint in C.No.156 of 2024 stands dismissed as not maintainable. The order passed in C.No.156 of 2024 dated 12.03.2026 on the file of the TNRERA is liable to be set aside. Accordingly, the same is set aside. The appeal is allowed. Consequently, the connected Miscellaneous Application is closed.

19.At the time of filing of the above appeal, the appellant/promoter had deposited a sum of Rs.90,000/- being 30% of the penalty of Rs.3,00,000/- before this Tribunal on 01.06.2026. Since we have set aside the order passed in C.No.156 of 2024 dated 12.03.2026 and allowed the appeal, the appellant/promoter is entitled to get refund of the sum of Rs.90,000/- paid by them under Section 43 (5) of the Act.

20. The Registry is directed to take necessary steps for getting refund of the said amount from the Government of Tamil Nadu and thereafter, refund the said amount to the appellant/promoter.

Sd/- xxxx  
JUSTICE M.DURAIWAMY  
CHAIRPERSON  
24.08.2026

Sd/- xxxx  
K.BABU  
JUDICIAL MEMBER  
24.08.2026

Copy to

1. The TNRERA
2. HQ Owners Association  
rep. by its Secretary, Venkatesan  
Office at HQ, Rajiv Gandhi Expressway,  
Survey No.209/1B, Kazhpattur Village,  
Thiruporur Taluk, Chengalpattu District,  
Tamil Nadu - 603 103.
3. M/s.Akshaya Leisure Pvt. Ltd.,  
rep. by its Director  
7<sup>th</sup> Floor, 117/1 LB Road, Adyar,  
Chennai - 600 020.
4. M/s.Vistra IRCL (India ) Limited,  
(Formerly known as IL & FS Trust Company Limited)  
rep. by its Director,  
C-22, G-Block, Bandra Kurla Complex,  
Bandra (East), Mumbai - 400 051.

