

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 : 24.08.2026

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

Appeal No.70 of 2026
and
M.A.No.194 of 2026

The Tamil Nadu Housing Board
rep. by its Managing Director

... Appellant

Vs.

P.Malathi

... Respondent

Appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to allow the appeal and set aside the order dated 08.05.2026 passed in E.P.No.31 of 2024 in C.No.53 of 2022 on the file of the TNRERA, Chennai and to dismiss the complaint.

For Appellant : Mr.Ganesh V Aranala

For Respondent : No appearance

ORDER

The above appeal arises against the order passed in E.P.No.31 of 2024 in C.No.53 of 2022 dated 08.05.2026 on the file of the Tamil Nadu Real Estate Regulatory Authority.

2.The Tamil Nadu Housing Board, who is the promoter, has filed the above appeal. The respondent is the Execution Petitioner/complainant.

3.The respondent filed the complaint in C.No.53 of 2022 for the following reliefs:

(i) To direct the respondent to apply for TNRERA approval and GRANT TNRERA APPROVAL to the project of the respondent and further directing the respondent to comply with the provisions of the RERA Act;

(ii) to direct the respondent to execute registered conveyance deed in favour of the complainant together with the undivided proportionate title in the common areas and hand over lawful cum physical possession of the plot, apartment or building within the period specified by the Authority;

(iii) to direct the respondent to provide the amenities listed in the Schedule to the present complaint within the time frame fixed by the Authority at no extra costs to the complainant and

(iv) to impose a penalty against the respondent for such sums as determined by the Authority under Section 38 of the RERA and deemed fit by the Authority for failure to comply with the provisions of the Act.

4.It is not in dispute that the appellant allotted HIG Flat to the respondent and that the respondent agreed to purchase the same. The TNRERA, by order dated 09.02.2023, disposed of the complaint by directing the appellant Board to provide all the amenities as per the specifications mentioned in the advertisement/pamphlets issued by them on or before 31.03.2023. The TNRERA also directed the appellant to

execute the Sale Deed for the undivided share. The TNRERA directed the appellant Board to register the project under Section 3 of the Act on or before 30.04.2023.

5. With regard to the handing over of the physical possession of the Flat, the TNRERA recorded that the possession was handed over to the respondent on 01.02.2019. Further, the Authority directed the appellant to refund the TDS amount to the respondent. Since the appellant failed to comply with the order passed by the TNRERA in C.No.53 of 2022, the respondent filed an Execution Petition in E.P.No.31 of 2024 on the file of the TNRERA. The Authority, after taking into consideration the case of both parties, finding that the appellant Board had only partially complied with the order of the Authority, imposed a penalty of Rs.1,00,000/- and also directed the Board to register the project on or before 30.06.2026 under Section 3 of the RERA Act. That apart, the TNRERA directed the appellant to file a compliance report regarding Water Treatment Equipment for each Flat, Water heater arrangement system, Gas pipe line connection, Pneumatic water controlling system and Stainless steel sink drain board in the kitchen on or before 30.06.2026. The TNRERA also observed that any deliberate failure by the appellant to comply with the order shall render them liable for further coercive measures, including penalties under Section 59(1) and Section 63 of the RERA Act. Challenging this order, the Tamil Nadu Housing Board has filed the above appeal.

6. Though notice was duly served on the respondent, none appeared for her.

7.Mr.Ganesh V Aranala, learned counsel appearing for the appellant submitted that the appellant Board had already submitted their application for registration under Section 3 of the Act and the same is under process.

8.With regard to the amenities mentioned above, the learned counsel appearing for the appellant submitted that the respondent had filed the complaint as an individual allottee, and therefore, the TNRERA, giving a direction to the appellant Board to provide Water Treatment Equipment to each Flat in the project, is erroneous. Further, the learned counsel submitted that imposing a penalty of Rs.1,00,000/- is very much on the higher side.

9.Having regard to the submissions made by the learned counsel appearing for the appellant and also the materials available on record, with regard to the registration of the project, since the application submitted by the appellant Board is pending before the TNRERA, the Authority shall consider the application submitted by them and pass orders, on merits and in accordance with law, with regard to the registration of the project under Section 3 of the Act.

10.With regard to the provision of Water Treatment Equipment for each Flat, as rightly contended by the learned counsel appearing for the appellant, out of 133 Flats, only the respondent had filed the complaint seeking for the Water Treatment Equipment. In such case, giving a direction the appellant Board to provide the Water Treatment Equipment for all the Flats, cannot stand. Accordingly, the same is set aside. However, we make it clear that the appellant Board is directed to provide

Water Treatment Equipment for the respondent/allottee alone, apart from providing Water heater arrangement system, Gas pipe line connection, Pneumatic water controlling system and Stainless steel sink drain board in the kitchen. The appellant shall provide all these amenities on or before 30.09.2026.

11.With regard to the imposition of penalty of Rs.1,00,000/-, since the Tamil Nadu Housing Board is running at loss, the imposition of penalty of Rs.1,00,000/- is very much on the higher side and we are of the considered view that the penalty can be fixed at Rs.30,000/-. Accordingly, the penalty of Rs.1,00,000/- imposed by the TNRERA is reduced to Rs.30,000/-. It is brought to the notice of this Tribunal that at the time of filing of the appeal, the appellant Board had already deposited the said sum of Rs.30,000/- under Section 43(5) of the RERA Act as pre-deposit.

12.With the above observations, the appeal is partly allowed. Consequently, the connected Miscellaneous application is closed.

Sd/- xxxx
JUSTICE M.DURAI SWAMY
CHAIRPERSON
24.08.2026

Sd/- xxxx
K.BABU
JUDICIAL MEMBER
24.08.2026

Copy to

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