

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: 07.10.2026

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

Appeal Nos.88 and 89 of 2026
and
M.A.Nos.228 and 229 of 2026

M/s.Selene Estates Limited
rep. by its Authorized Signatory
S.R.Ranjitha

... Appellant in both appeals

Vs.

1. M/s.Green Apartment Owners Welfare
Association - Jalladianpettai
rep. by its Secretary, P.Elango
2. M/s. India Bulls Real Estates Ltd.
rep. by its Managing Director
3. M/s. Ozone Projects Private Limited,
rep. by its Chairman & Managing Director
4. M/s.Lakisha Real Estate Limited
5. M/s.Airmid Infrastructure Limited,
6. M/s.Ozone Facility Management Pvt. Ltd.,

... Respondents 1 to 6 in both appeals

7. Vasudevan Sathyamoorthy - Director
M/s.Selene Estate Limited

8. Vaithiyalingam Mahalingam - Director
M/s.Selene Estate Limited

9. Singaram - Director,
M/s.Selene Estate Limited ... Respondents 7 to 9 in A.No.89/2026

Appeals have been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 to set aside the impugned common order dated 17.06.2026 passed by the Tamil Nadu Real Estate Regulatory Authority (TNRERA), Chennai in E.A.No.20 of 2024 and E.A.No.5 of 2025 in E.P.No.15 of 2024 in C.No.29 of 2023, insofar as the said Common Order allows E.A.No.20 of 2024 and impleads M/s.Lakisha Real Estate Limited, M/s.Airmid Infrastructure Limited and M/s.Ozone Facility Management Private Limited as Respondent Nos.4, 5 and 6 respectively in E.P.No.15 of 2024 and insofar as the said Common Order allows E.A.No.5 of 2025 and impleads Thiru Vasudevan Sathyamoorthy, Thiru Vaithiyalingam Mahalingam, and Thiru Singaram as Respondent Nos.7, 8 and 9 respectively in E.P.No.15 of 2024.

For Appellant : Mr.S.Silambanan, Senior Counsel
(in both the appeals) for Mr.S.Aakash Athimoolam

For Respondents : Ms.R.V.Yajura Devi (R1) (in both the appeals)
: Mr.S.Pothysvaran (R2) (in both the appeals)
: R3 - Given up
: Mr.M.Krishna Dath - 4 to 6 in A.No.88 of 2026
- 4 to 9 in A.No.89 of 2026

COMMON ORDER

Appeal No.88 of 2026 arises against the common order dated 17.06.2026 made in E.A.No.20 of 2024 in E.P.No.15 of 2024 in C.No.29 of 2023 on the file of Tamil Nadu

Real Estate Regulatory Authority (TNRERA). The appellant is the promoter, the 1st respondent was the complainant Association, the respondents 2 & 3 were the respondents 2 & 3 in C.No.29 of 2023 and the respondents 4 to 6 were the newly impleaded respondents in E.P.No.15 of 2024 in C.No.29 of 2023.

3. Appeal No.89 of 2026 arises against the common order dated 17.06.2026 made in E.A.No.5 of 2025 in E.P.No.15 of 2024 in C.No.29 of 2023. The appellant is the promoter, the 1st respondent was the complainant Association, the respondents 2 & 3 were the respondents 2 & 3 in the complaint and the respondents 7 to 9 were the newly impleaded respondents in E.P.No.15 of 2024 in C.No.29 of 2023.

4. Since the issues involved in both the appeals are common and between the same parties and in respect of the same project, by consent of Mr.S.Silambanan, learned senior counsel appearing for the appellant, Ms.R.V.Yajura Devi, learned counsel appearing for the 1st respondent, Mr.S.Pothysvaran, learned counsel appearing for the 2nd respondent, in both the appeals and Mr.M.Krishna Dath, learned counsel appearing for the respondents 4 to 6 in Appeal No.88 of 2026/respondents 4 to 9 in Appeal No.89 of 2026, the appeals are disposed of by this common order.

5. The TNRERA in C.No.29 of 2023 passed the following directions on 13.09.2023:

- i. to complete all pending works including common amenities strictly as per the Construction Agreement before 31.12.2023;

- ii. to obtain Completion Certificate and provide permanent domestic electricity service connections to all allottees before 31.03.2024;
- iii. to ensure proper sewerage connections and compliance with environmental clearances;
- iv. to hand over relevant statutory documents, original title deeds and the corpus fund, if any, to the Association of allottees before 31.03.2024 and
- v. to furnish operational manuals, warranties and other documents as detailed in the said order.

Since the promoter failed to comply with the directions issued by the TNRERA, the complainant Association filed an Execution Petition in E.P.No.15 of 2024 in C.No.29 of 2023. The original complaint was filed by the 1st respondent Association as against the appellant and the respondents 2 & 3. The directions were issued by the TNRERA only against the original respondents. During the pendency of the Execution Petition and when the Execution Petition was reserved for orders, the Association filed an application in E.A.No.20 of 2024 to implead the respondents 4 to 6 in E.P.No.15 of 2024 and also filed E.A.No.5 of 2025 to implead the respondents 7 to 9 in E.P.No.15 of 2024.

6. The TNRERA, by its common order dated 17.06.2026, allowed both the applications and impleaded the proposed parties as respondents 4 to 9 in E.P.No.15 of 2024. The respondents 7 to 9 were impleaded in the execution proceedings as the Directors of the appellant/promoter Company. Even in the cause title in C.No.29 of 2023, the appellant/promoter has been mentioned as M/s.Selene Estates Limited, represented by its Director. However, the complainant Association failed to name the

Director of the Company in the cause title. Now, the Association has filed an application in E.A.No.5 of 2025 to implead the Directors as respondents in the Execution Petition. It cannot be disputed that a Company should be represented by a representative of the Company and in the case on hand, though it has been mentioned in the cause title as Director, the name of the Director has not been mentioned. In such circumstances, we find justification in impleading the Directors of the promoter Company. The TNRERA has rightly allowed the application in E.A.No.5 of 2025.

7. Mr.S.Silambanan, learned senior counsel appearing for the appellant submitted that the 9th respondent, namely, Singaram, is no more a Director of the Company and that he had resigned from the Company. However, the appellant has not produced any document to establish the said contention. If the 9th respondent had resigned from the Directorship of the promoter Company, it is open to the appellant to file necessary documents before the TNRERA in E.P.No.15 of 2024 and the TNRERA shall decide the same in accordance with law.

8. With regard to E.A.No.20 of 2024, the proposed parties are newly added respondents in the Execution Petition. Though, the complainant Association had every opportunity to implead all the necessary parties, they chose not to implead them at the earliest point of time in the original proceedings in C.No.29 of 2023.

9. It is settled law that the Executing Court cannot go beyond the order passed by the original Authority. When the original order was passed as against the appellant and the respondents 2 & 3, it is not binding on the other respondents who were not parties in the original complaint in C.No.29 of 2023. A Decree Holder cannot be allowed to implead new parties in piecemeal in the Execution Proceedings.

10. Without considering all these aspects, the TNRERA had erroneously allowed E.A.No.20 of 2024 and impleaded the respondents 4 to 6 in Appeal No.88 of 2026 as respondents in E.P.No.15 of 2024. The order passed by the TNRERA in E.A.No.20 of 2024 is liable to set aside.

11. For the reasons stated above, the order passed in E.A.No.20 of 2024 is set aside. The appeal in Appeal No.88 of 2026 is allowed. The order passed in E.A.No.5 of 2025 in E.P.No.15 of 2024 stands confirmed and the appeal in Appeal No.89 of 2026 stands dismissed. Consequently, the connected Miscellaneous Applications are closed.

Sd/- xxxx
JUSTICE M.DURAIWAMY
CHAIRPERSON
07.10.2026

Sd/- xxxx
K.BABU
JUDICIAL MEMBER
07.10.2026

Copy to

1. The TNRERA
2. M/s.Green Apartment Owners Welfare Association - Jalladianpettai
rep. by its Secretary, P.Elango
No.68/1A, Jalladianpettai Joint Road,
Perumbakkam, Chennai - 600 100.
3. M/s. India Bulls Real Estates Ltd.
rep. by its Managing Director
Office No.01-1001, We Work, Blue One Square,
Udyog Vihar Phase 4 Rd.,
Gurugram - 122 016, Haryana
4. M/s. Ozone Projects Private Limited,
rep. by its Chairman & Managing Director
Office at New No.63, Old No.32, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.
5. M/s.Lakisha Real Estate Limited
Office at New No.63, Old No.32, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.
6. M/s.Airmid Infrastructure Limited,
Office at New No.63, Old No.32, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.
7. M/s.Ozone Facility Management Pvt. Ltd.,
Office at No.38, Ulsoor Road, Bangalore,
Karnataka, India, 560 042.
8. Vasudevan Sathyamoorthy
Director, M/s.Selene Estate Limited
Registered Office at New No.63, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.

9. Vaithiyalingam Mahalingam
Director, M/s.Selene Estate Limited
Registered Office at New No.63, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.
10. Singaram
Director, M/s.Selene Estate Limited
Registered Office at New No.63, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.