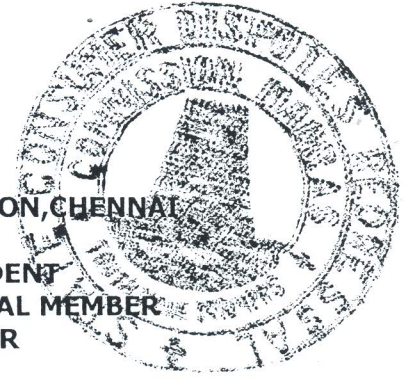


BEFORE THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION, CHENNAI

BEFORE : HON'BLE THIRU JUSTICE R.REGUPATHI  
THIRU.J.JAYARAM  
TMT.P.BAKIYAVATHI

PRESIDENT  
JUDICIAL MEMBER  
MEMBER



**F.A.NO.249/2014**

(Against the order in CC.No.28/2012, dated 29.04.2014 on the file of DCDRF, Thiruvallur)

**DATED THIS THE 5<sup>th</sup> DAY OF FEBRUARY 2015**

1. D.Thiruvateeswaran  
L 13A, Sarvamangala Colony  
Ashoknagar, Chennai 600 083

2. Shivakumar K Iyer  
14 F2, Guru Brindavan  
Jeevan Nagar, 4<sup>th</sup> street  
Adambakkam  
Chennai 600 088

Appellants/complainants

Vs

The Chief Executive Officer,  
Central Govt.Employees' Welfare  
Housing Organization,  
6<sup>th</sup> Floor, A Wing Janpath Bhavan,  
New Delhi 110 001

Respondent/opposite party

This appeal coming before us for final hearing on 25.11.2014 and on hearing the arguments of both sides and upon perusing the material records, this Commission made the following order:

Appellants/ Complainants : In person

Counsel for Respondent/Opposite party : M/s.M.Krishnamurthy ✓

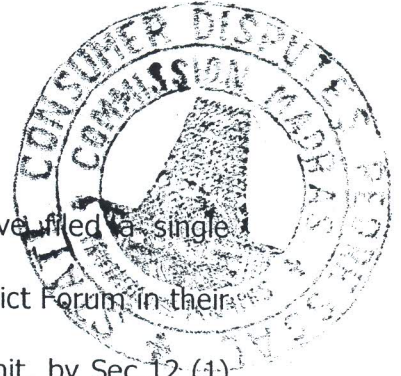
**J.JAYARAM, JUDICIAL MEMBER**

This appeal is filed by the complainants against the order of the District Forum, Tiruvallur in CC.No.28/2012 dated 29.4.2014 dismissing the complaint.

2. The case of the complaint is that they were allotted a Type 'D' and Type 'B' dwelling units respectively by the opposite party in February 2006. As per para 8 Part A of the Rule Book, the opposite party was under an obligation to deliver the Dwelling units within 30 months from the date of commencement of construction. But the opposite party did not adhere to the target date but offered possession illegally on 16.1.2012 before getting the mandatory completion certificate from CMDA. Till date CMDA has not issued completion certificate for 10 out of the 37 blocks. The contract covers among other things, the provision of the community centre and room for the Apartment Owners' Association, but the opposite party did not hand over these amenities. This amounts to deficiency in service on the part of the opposite party and also unfair trade practice.

3. According to the opposite party the CMDA completion certificates have been since received from the CMDA for all blocks, and the two blocks allotted to the complainants were approved in the first instance. As regards the delay in completion of the project, the complainants have already filed the complaint in CC.No.40/2010 over the same subject matter and the issues have already been decided by the District Forum. Further two consumers cannot file a joint complaint as in the present case and the complaint is not maintainable. There is no deficiency in service or unfair trade practice.

4. The District Forum considered the rival contentions and dismissed the complaint holding that there is no deficiency in service on the part of the opposite party.



5. It is pertinent to note that two individual consumers have filed a single common complaint without obtaining the permission of the District Forum in their individual capacity and not in the representative capacity which is hit by Sec.12 (1) (c) of the Consumer Protection Act, 1986 and the complaint is not maintainable.

6. Further we have to note that the complainants have already filed a complaint in CC.40/2010 before the District Forum over the same subject matter and the complaint is disposed of and the issues raised in the present complaint have been addressed and decided in the earlier complaint and so nothing substantial survives for further disposal in this present second complaint. The present second complaint filed by the complainant leads to multiplicity of proceedings and piecemeal orders. The submissions made by the complainants are without any materials. Therefore we hold that there is no deficiency in service on the part of the opposite party and there is no unfair trade practice. There is no merit in the appeal and the appeal is liable to be dismissed.

**In the result, the appeal is dismissed confirming the order of the District Forum dismissing the complaint. No order as to costs in the appeal.**

*P. Bakiyavathi*  
**P. BAKIYAVATHI**  
**MEMBER**

*J. Jayaram*  
**J. JAYARAM**  
**(J) MEMBER**

*R. Regupathi*  
**R. REGUPATHI**  
**PRESIDENT**

**INDEX; YES/NO**  
VL/PJM/D;/CONSUMER

STATE CONSUMER DISPUTES REDRESSAL COMMISSION, CHENNAI	
TAMIL NADU	
1. Date of Order	22/9/14
2. Date when copy was made ready for issue	5.2.15
3. Date of Delivery / dispatch of free copy	3.0.3.15
4. Date of application for duplicate copy	09.04.15
5. Date of issuance of duplicate copy	
REGISTRAR, STATE COMMISSION, CHENNAI TAMIL NADU	