

**BEFORE THE  
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,  
CHENNAI**

**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,  
Execution Petition No.109 of 2019 in CCP No. 121 of 2019**

K. Suresh Kumar ... Complainant

**Vs.**

- (1) KP Developers
- (2) KP Estates
- (3) M/s. Rudradev Aviation Private Limited
- (4) M/s. NHD Developers
- (5) M/s. KP Homes,
- (6) M/s. Adinath Infrastructure  
All 1 to 6 rep. by No.7 (below mentioned)
- (7) M/s. Amar Prakaash Developers Private Limited  
Rep. by Managing Director Adarsh Surana  
**(PROJECT NOT REGISTERED)** .... Respondents

Complainant : Mrs. Malini George, Advocate

Respondents : Mr. M. Ramesh, Authorized Signatory

**Heard on : 10.02.2020**

**Delivered on : 28.02.2020**

**ORDER FOR RECOVERY UNDER SECTION 40(1) OF THE RERA ACT READ WITH  
RULE 26 OF TNRERA RULES FOR NON-COMPLIANCE  
OF THE ORDER IN THE ABOVE CCP DATED 30.09.2019**

The above complainant filed the petition for execution stating that the respondent has not complied with the order passed in the above CCP filed by him.

2. In spite of sufficient time being given, the respondent has not filed any counter. However the 7<sup>th</sup> respondent, who is representing all other respondents, filed a memo stating that an appeal has been preferred before the Appellate

Tribunal and also specified the SR No. stating that the appeal was returned for defects. Admittedly, the appeal is not yet numbered and no stay of the order is granted by the Appellate Tribunal.

3. Heard both sides. It is not in dispute that the respondent has not obtained any stay in any appeal preferred by him before the Appellate Tribunal and has not paid the amount to the petitioner in compliance of the order of this Forum.

4. In the above CCP, the respondent was directed to pay the petitioner, the amounts of compensation and expenses with refund amount within 30 days of the date of issue of this order. Since, the amount due to the complainant under the order is due and liable to be recovered as arrear of land revenue, it is just and necessary to issue warrant under section 40(1) of the RERA Act read with Rule 26 of the TNRERA Rules. The EP is disposed accordingly.

**In the result, it is ordered as follows:**

Issue recovery warrant under section 40(1) of the RERA Act read with Rule 26 of TNRERA Rules and send it to the District Collector, Kancheepuram District, Kancheepuram, to collect the same to satisfy the claims under the orders passed in favour of the above complainant.

Sd/-28.02.2020  
G. SARAVANAN  
ADJUDICATING OFFICER  
TNRERA, CHENNAI

**CERTIFIED TO BE TRUE COPY**

  
**Administrative Officer**