

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

Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,

**Execution Petition Nos. 01, 02 ,03, 04, 05, 06, 07, 08, 09, 010, 011, 012, 013
AND 014 of 2019**

- | | | | | | |
|-----|---|---|----------------|----|-----------------|
| 1. | Kaushik Balakrishnan
Rep. by its PoA R. Balakrishnan | : | EP No.01/2019 | IN | CCP No.02/2018 |
| 2. | K. Asha | : | EP No.02/2019 | IN | CCP No.09/2018 |
| 3. | S. Ravisankar | : | EP No.03/2019 | IN | CCP No.124/2018 |
| 4. | H. Vijaya Krishnan AND
V. Santhana Krishnan | : | EP No.04/2019 | IN | CCP No.120/2018 |
| 5. | Jeevitha Karthikeyan AND
Karthikeyan V S | : | EP No.05/2019 | IN | CCP No.05/2018 |
| 6. | G. Pattabi Raman AND
Usha Pattabiraman | : | EP No.06/2019 | IN | CCP No.08/2018 |
| 7. | A. Sujatha AND
B. Annaswamy | : | EP No.07/2019 | IN | CCP No.01/2018 |
| 8. | Jagadish Subramanian AND
Lakshmi Jagadish
Rep by PoA A. Sujatha | : | EP No.08/2019 | IN | CCP No.06/2019 |
| 9. | Deepa Sunil AND
Takadath Sunil | : | EP No.09/2019 | IN | CCP No.121/2018 |
| 10. | Gayathri Mohanraj | : | EP No.010/2019 | IN | CCP No.12/2018 |
| 11. | R. Venkatramanan AND
S. Vidhya | : | EP No.011/2019 | IN | CCP No.03/2018 |
| 12. | S. Rajagopal | : | EP No.012/2019 | IN | CCP No.04/2018 |
| 13. | M.R. Saravanan AND
B. K. Dhana Lakshmi | : | EP No.013/2019 | IN | CCP No.10/2018 |
| 14. | B.K. Dhanalakshmi AND
M.R. Saravanan | : | EP No.014/2019 | IN | CCP No.11/2018 |

COMPLAINANTS


Vs.

M/s. Marg Properties Limited
(Regn. No.TN/01/Building/0055/2018)

:

**RESPONDENT
(in all EPs/CCPs)**

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15/10/2019

Complainants : In person
Respondent : Represented by Dr. S. Padma, Advocate

Heard on : 24.09.2019

Delivered on : 15.10.2019

**ORDER FOR RECOVERY UNDER SECTION 40(1) OF THE RERA ACT
FOR NON- COMPLIANCE OF THE ORDERS IN CCPs DATED
29.11.2018, 11.01.2019 AND 29.03.2019**

The above complainants filed the petition for execution contending that the respondent has not complied with the orders passed in the respective CCPs filed by them.

2. The respondents filed reply stating that the execution petitions are liable to be dismissed on the ground that section 40(1) read with Rule 26 of the TNRERA Rules are relating to only interest or penalty or compensation and the interest rate at the rate of 6% per annum is only specified under section 7 of the Tamil Nadu Revenue Recovery Act and the civil court has only power to execute orders of decree.

3. Heard both sides. It is not the case of the respondent that any appeals are preferred and pending against the orders passed in the above CCPs by this Forum and any amount towards the settlement of the claim as per the orders to the complainants made to the complainants by them.

4. Compensation, in the legal sense, constitutes actual loss and other losses, both pecuniary and non-pecuniary in nature and includes purchase money, which is actual loss. Therefore, the contention, section 40 (1) does not specify refund of the money is not tenable. So far as the other points relating to interest under the Tamil Nadu Revenue Recovery Act and civil court are concerned, the orders in the

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CCPs were passed by this Forum, which is a statutory body, under the provisions of RERA Act. Therefore, the objections of the respondents are not sustainable.

5. Since the amounts due to the complainants under the orders are to be recovered as arrears as land revenue, it is just and necessary to issue warrant under section 40(1) of the RERA Act. The EPs are disposed accordingly.


In the result, it is ordered as follows:

Issue recovery warrant under section 40(1) of the RERA Act and send it to the District Collector, Kancheepuram District, Kanchipuram, to collect the same to satisfy the claims under the orders passed in favour of the above complainants.

CERTIFIED TO BE TRUE COPY

Sd/-15.10.2019
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI


ADMINISTRATIVE OFFICER
TN REAL ESTATE REGULATORY AUTHORITY


15/10/2019