

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

**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition Nos. 015, 016, 017, 018, 019, 020, 021, 022, 023, 024,
025, 026, 027, 028, 029, AND 030 of 2019**

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| 1 | K. Sundarrajan AND
Anusha Sundarrajan | : EP No.015/2019 IN CCP No.51/2018 |
| 2 | P.V. Ramgopal | : EP No.016/2019 IN CCP No.13/2018 |
| 3 | P. Chandramohan | : EP No.017/2019 IN CCP No.86/2018 |
| 4 | N. Rajiv | : EP No.018/2019 IN CCP No.43/2018 |
| 5 | B. Sathish Kartha
Rep. by PoA N. Rajiv | : EP No.019/2019 IN CCP No.83/2018 |
| 6 | Girish Kumar K AND Manju Girish
Rep by PoA N. Rajiv | : EP No.020/2019 IN CCP No.98/2018 |
| 7 | Rajkumar Goel | : EP No.021/2019 IN CCP No.45/2018 |
| 8 | Bhavna Goel | : EP No.022/2019 IN CCP No.46/2018 |
| 9 | R. Prabhavathi | : EP No.023/2019 IN CCP No.20/2018 |
| 10 | Vikram Narayana Swamy AND
Anusha Sridharan
Rep by PoA J. Sridharan | : EP No.024/2019 IN CCP No.19/2018 |
| 11 | Arvind Arjunan Nadar AND
Sharadha Arvind | : EP No.025/2019 IN CCP No.47/2018 |
| 12 | P. Rajesh | : EP No.026/2019 IN CCP No.74/2018 |
| 13 | Anand Sundaram | : EP No.027/2019 IN CCP No.75/2018 |
| 14 | N. Padmavathy | : EP No.028/2019 IN CCP No.73/2018 |
| 15 | L. Padmanabhan | : EP No.029/2019 IN CCP No.72/2018 |
| 16 | K. V. Parvathy | : EP No.030/2019 IN CCP No.92/2018 |

COMPLAINANTS

Vs.

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

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

Complainants : In person

Respondent : Represented by Dr. S. Padma, Advocate

Heard on : 22.10.2019

Delivered on : 08.11.2019

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**ORDER FOR RECOVERY UNDER SECTION 40(1) OF THE RERA ACT
FOR NON- COMPLIANCE OF THE ORDERS IN CCPs DATED
29.11.2018, 07.12.2018, 14.12.2018, 21.12.2018 AND 04.01.2019**

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 respondent 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 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, it is suffice to add that the orders in the CCPs were passed by this Forum, which is a statutory body, under the provisions of RERA Act and rules of TNRERA Rules framed under the Act. Therefore, the objections of the respondent are not sustainable.

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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.

Sd/- 08.11.2019

CERTIFIED TO BE TRUE COPY

**G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI**

N. Manoj
3/11/19
**ADMINISTRATIVE OFFICER
TN REAL ESTATE REGULATORY AUTHORITY**

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