

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

**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,  
Execution Petition Nos. 031, 032, 033, 034, 035, 036, 037, 038, 039, 040,  
041, 042, 043, 044, 045, 046, 047, 048 AND 049 of 2019**

- |    |   |   |                |    |                 |
|----|---|---|----------------|----|-----------------|
| 1  | Anebarassane Thanakodi  | : | EP No.031/2019 | IN | CCP No.76/2018  |
| 2  | S. Padma Priya and<br>N. Srinath,<br>Rep. by PoA Amudha Selvaraj                        | : | EP No.032/2019 | IN | CCP No.91/2018  |
| 3  | Amudha Selvaraj   | : | EP No.033/2019 | IN | CCP No.90/2018  |
| 4  | Malathi Sreetharan and<br>K. Sreetharan   | : | EP No.034/2019 | IN | CCP No.36/2018  |
| 5  | N. Chandrasekar   | : | EP No.035/2019 | IN | CCP No.06/2018  |
| 6  | Jayesh T. Tanna and<br>Dipty J Tanna  | : | EP No.036/2019 | IN | CCP No.40/2018  |
| 7  | K. Sivaramakrishnan and<br>N. Saraswathi  | : | EP No.037/2019 | IN | CCP No.44/2018  |
| 8  | J. Revathi  | : | EP No.038/2019 | IN | CCP No.55/2018  |
| 9  | G. Sathya and<br>G. Narayana Prakash  | : | EP No.039/2019 | IN | CCP No.53/2018  |
| 10 | Shardha Ramesh Gandhi and<br>Ramesh Keshavlal Gandhi                                    | : | EP No.040/2019 | IN | CCP No.15/2018  |
| 11 | Mansi Ramesh Gandhi and<br>Ravi George Mathew<br>Rep. by PoA Ramesh Keshavlal<br>Gandhi | : | EP No.041/2019 | IN | CCP No.16/2018  |
| 12 | Mansi Ramesh Gandhi and<br>Ravi George Mathew<br>Rep. by PoA Ramesh Keshavlal<br>Gandhi | : | EP No.042/2019 | IN | CCP No.17/2018  |
| 13 | Adhivishnu Venkataramana  | : | EP No.043/2019 | IN | CCP No.07/2018  |
| 14 | K. B. Rekha and A. Mahendiran   | : | EP No.044/2019 | IN | CCP No.58/2018  |
| 15 | S. Jeyapaul   | : | EP No.045/2019 | IN | CCP No.18/2018  |
| 16 | Isabella<br>Rep. by PoA Martin Xavier   | : | EP No.046/2019 | IN | CCP No.119/2018 |
| 17 | S. Sakthivel  | : | EP No.047/2019 | IN | CCP No.68/2018  |
| 18 | M.Prasath   | : | EP No.048/2019 | IN | CCP No.69/2018  |

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19 R. Sathish Kumar : EP No.049/2019 IN CCP No.67/2018  
Rep. by PoA R. Ramya

.... 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 :11.11.2019

Delivered on :27.11.2019

**ORDER FOR RECOVERY UNDER SECTION 40(1) OF THE RERA ACT FOR  
NON- COMPLIANCE OF THE ORDERS IN THE ABOVE CCPs DATED  
29.11.2018, 07.12.2018, 14.12.2018, 21.12.2018 and 11.01.2019**

The above complainants filed the petitions 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 the entire land of the project is mortgaged with various financial institutions and different buyers have booked apartments in different blocks and some of the apartments has been already sold and section 40(1) read with Rule 26 of the TNRERA Rules cannot be invoked and the rate of interest under the Tamil Nadu Revenue Recovery Act, 1864 is only 6% per annum and the petitions are liable to be dismissed and the civil court only has power to execute orders of decree.

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3. Heard both sides. It is not the case of the respondent that any appeals against the orders in the above CCPs are preferred and pending or any amount has been settled towards the claim as per the orders made by this Forum in the above petitions.

4. In Pioneer Urban Land and Infrastructure Limited and Ors. Vs. Union of India (UOI) and Ors. reported in MANU/SC/1071/2019, the Hon'ble Supreme Court held that home buyers/allottees are also financial creditors like banks. 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 of the respondent on section 40 (1) of the Act read with Rule 26 of the TNRERA Rules is not sustainable.

5. So far as the other points relating to interest under the Tamil Nadu Revenue Recovery Act is concerned, it is suffice to add that the orders in the CCPs were passed by this Forum under the provisions of RERA Act and rules of TNRERA Rules framed under the Act.

6. Regarding the contentions of the respondent that this Forum has not taken in to consideration all the points raised in the main case and the delay was not on the part of the respondent in delivery of the apartment and other contention are concerned, the respondent cannot go beyond the orders passed by this Forum raising various contentions which can be raised only before an appellate Forum. Therefore all the above contentions are liable to be rejected.

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7. Since the amounts due to the complainants under the orders are to be recovered as *arrears of* 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-27.11.2019  
G. SARAVANAN  
ADJUDICATING OFFICER  
TNRERA, CHENNAI

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N. [Signature]  
Administrative Officer