

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

**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,  
Execution Petition Nos. 94 and 95 of 2019**

1 P. Selvakumar : EP No.094/2019 IN CCP No.106/2018  
2 K.P. Sasikala : EP No.095/2019 IN CCP No.10/2019  
.... COMPLAINANTS

**Vs.**

M/s. Sheltrex Developers Pvt. Ltd. :  
(Regn. No.TN/01/Building/0238/2017) :  
.... RESPONDENT  
(in both EPs/CCPs)

Complainants : In person  
Respondent : Represented by S.B. Viswanathan, Advocate

**Heard on : 24.01.2020  
Delivered on : 31.01.2020**

**ORDER**

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 counter stating that the execution petitions are filed seeking to execute the orders passed in the CCPs and the respondent will complete the construction within 3 months and 3 months time is to be granted for delivery of the flat.

3. Heard both sides. Admittedly, the orders passed in the respective CCPs filed by the petitioners were not complied by the respondent / builder. There was no appeal preferred by the respondent against the orders passed by this Forum. In the execution petition, this Forum cannot go beyond the orders passed in the respective CCPs. Therefore, the request by the respondent for extension of time

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for completion of the allotted flats to the petitioners cannot be entertained under section 40(1) of the RERA Act and Rule 26 of the TNRERA Rules.

4. While the execution petitions were pending for order, the respondent filed before the Authority, an order of the National Company Law Tribunal of Chennai Division Bench dated 10.12.2019 in which Interim Resolution Professional (IRP) was appointed in an application under section 7 of the Insolvency and Bankruptcy Code 2016 by one of the home buyers of the respondent as financial creditor with regard to the project at Appur village and also an order for liquidation is passed against the corporate debtor / builder.

In view of the order of the NCLT, this Forum cannot proceed with the execution petition for recovery of the amount by issue of recovery warrant to the District Collector concerned as against the property. Therefore, the above EPs are liable to be dismissed with a liberty to the petitioners to approach the NCLT for the recovery of the amount under the orders of CCP filed by them. Subject to final outcome of the proceedings of the NCLT, the petitioners are at liberty to file fresh EPs before this Forum after the proceedings before the NCLT is over.

**In the result, the EPs are dismissed.**

Sd/-31.01.2020  
G. SARAVANAN  
ADJUDICATING OFFICER  
TNRERA, CHENNAI

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Administrative Officer