

**BEFORE THE  
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,  
CHENNAI**  
**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,**  
**Execution Petition No. 15 of 2020 in CCP No. 125 of 2019**

K. Srikar Reddy

.....Petitioner/Complainant

**Vs.**

1. M/s. Sylvanus Builders and Developers Limited,  
Rep by its director, Sanjil Ramesh Chandani.
2. M/s. Pacifica(Chennai project) Infrastructure Co.Pvt.ltd.  
Rep by its managing director, Rocky Israni. ....Respondents/Respondents

Complainant : Rep by Mr. T.Raghavan Advocate,

1<sup>st</sup> and 2<sup>nd</sup> Respondents : Rep by Mr. Stephen C.Kumar Advocate,

**Heard on : 15.10.2020**

**Delivered on : 06.11.2020**

**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 12.11.2019**

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

2. The respondent filed counter stating that the project is group housing project and 373 villas had already been allotted /sold to various purchasers and the survey numbers under the execution petition is already under the charge and lien is created over the larger extent of lands and 250 individual owners occupied their respective villas and the petitioner ought to have filed the execution petition for attachment in

**TRUE COPY**

My  
06/11/20

respect of the villa no.357 alone and could not seek the larger extents of lands involved in the project and the villa no.357 is sufficient to discharge the amount claim under the execution petition and the petitioner could not seek attachment of larger extends of land involved in the project and the petition is liable to be dismissed.

3. Heard both sides. It is stated in the counter that the respondents preferred appeal against order of this Forum in the above CCP with a waiver application and the Hon'ble Appellate Tribunal has ordered for deposit 40% of the award amount and on failure to deposit the amount, the appeal was dismissed. Even though the respondents stated that they are taking steps to restore the appeal, till date, no order of any stay was produced by the respondents.

4. In the counter of the respondents, it is claimed that the completed 373 villas had been allotted/sold to various person. The respondents also submitted that they availed huge loan from funding institution for development of the project by way mortgage and the same is partly subsisting over the larger extent of land of the property. The respondents have not filed any document to substantiate such contentions. However considering the submission of the respondent that the complainant could not seek attachment of larger extents of land involved in the project, the executing authority is directed to attach the schedule property which is sufficient to meet claim under the execution petition.

5. Since the amounts due to the complainant under the order is to be recovered as arrears as 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.

**TRUE COPY**  
Ms  
06/11/20



**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 forward the same to the District Collector, Thiruporur Taluk, Kancheepuram, to collect the same to satisfy the claims under the orders passed in favour of the above complainant.

G. SARAVANAN  
ADJUDICATING OFFICER  
TNRERA, CHENNAI

CERTIFIED TO BE TRUE COPY

  
6.11.2020  
LAW OFFICER  
TN REAL ESTATE REGULATORY AUTHORITY