

**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI**
Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No.01 of 2021 in CCP NO.192/2019

Y. Ravishankar

... PETITIONER/COMPLAINANT

Vs.

M/s. Marg Properties Ltd.
(TN/02/Building/0217/2018)

... RESPONDENT/RESPONDENT

Petitioner : Rep. by Mr. Ralph V.Manohar, Advocate.
Respondent : Rep. by Mr. A.C.Kumaragurubaran, Advocate.

Heard on : 23.09.2021
Delivered on : 29.10.2021

**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 CCP NO.192 OF 2019 DATED 14.02.2020**

The above petitioner/complainant filed the petition for execution stating that the respondent has not complied with the order passed in the above CCP filed by him.

2. The learned counsel for petitioner/complainant submitted that the respondent has neither preferred any appeal nor settled the amounts due under the order in above CCP to the petitioner/complainant and hence the execution of the order for recovery of the amounts under the order to be made by this Forum.

3. The learned counsel for the respondent filed reply stating that the execution petition is neither maintainable in law nor on facts, as such is liable to be dismissed for want of proper and relevant particulars for claiming excessive interest. The project is registered as per the Act and the allegations made by

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the petitioner is vague, ill motivated and only to wreck vengeance and to prejudice this Hon'ble Authority. The learned counsel submits that the petition lacks merit and the same is liable to be dismissed.

3. Heard the counsel for the petitioner/complainant. The petitioner /complainant filed the CCP.No.192 of 2019, before this Forum for compensation for delay in the completion and handing over the residential apartment booked by them and this Forum by order dated 14.02.2020, awarded compensation for the delay in delivery of the booked flat and also directed the respondent to pay the compensation within 60 days from the date of the issue of the order and till date the respondent has not paid the amount under the order towards compensation expenses and therefore the petitioner/complainant is entitled for execution of the petition by the attachment and sale of the property described in schedule of property under the execution petition.

4. The application for execution of order is filed under section 40(1) of the RERA Act read with Rule 26 of the TNRERA Rules for recovery of the amounts due towards refund of the amount with interest and compensation. However, the applicant sought to impose penalty and on failure to pay the penalty to make a complaint to the judicial magistrate concerned. Since the application is for execution of the order already passed, the request for imposing penalty cannot be entertained by this Forum simultaneously. Therefore the request for imposing penalty is rejected.

5. Since the amounts due to the petitioner/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.

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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, Chengalpattu District, to collect the same to satisfy the claims under the orders passed in favour of the above complainant.

Sd/- 29.10.2021
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI

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29.10.2021
LAW OFFICER
TN REAL ESTATE REGULATORY AUTHORITY