

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

**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No.40 of 2021 in CCP N0.35 of 2018**

1. Mrs.Palaniappan Vallikannu
 2. Mrs. Ravi Arunachalam
- Rep.by their PoA V.Palaniappan : ... Order holders/Applicants

Vs.

M/s. Marg Properties Ltd.
Rep by its Director, GRK Reddy : ... Debtor/Respondent

Applicant : Rep. by Mr. J.Pachiyappan, Advocate.

Respondent : Rep. by Mr. A.C.Kumaragurubaran, Advocate

Heard on : 18.02.2022

Delivered on : 25.02.2022

**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.35 OF 2018 DATED 14.12.2018**

The above petitioners/complainants filed the petition for execution stating that the respondent has not complied with the order passed in the above CCP filed by them.

2. The learned counsel for petitioners/complainants submitted that the respondent has neither preferred any appeal nor settled the amounts due under the order in above CCP to the petitioners/complainants 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

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learned counsel submitted that the petition lacks merit and the same is liable to be dismissed.

4. Heard both sides. The petitioners/complainants filed the CCP.No.35 of 2018, before this Forum for refund of the amount with compensation and cost and this Forum by order dated 14.12.2018, ordered for the return of the amount with compensation and cost within 30 days from the date of the issue of the order and till date the respondent has not paid the amount under the order towards refund, compensation and cost. Therefore the petitioners/complainants are entitled for execution of the petition by the attachment and sale of the property described in schedule of property under the execution petition.

5. 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

6. Since the amounts due to the petitioners/complainants 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.

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

Sd/- 25.02.2022
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI

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25.2.2022
LAW OFFICER
IN REAL ESTATE REGULATORY AUTHORITY