

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

**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,**

**Execution Petition No.42 of 2021 in CCP No.343 of 2019**

Sivakumar Kunapuli

.... **Petitioner/Order holder**

**Vs.**

M/s. Ozone Project Pvt. Ltd.  
Rep. by its Managing Director  
Vasudevan Sathyamurthy

.... **Respondent/Debtor**

Petitioner : Rep. by Mr. V.P. Raman, Advocate

Respondent : Rep. by Mr. A.R. Vishwaram, Advocate

Heard on : 26.04.2023

Delivered on : 31.05.2023

**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 22.04.2021**

The above petitioner/order holder filed the petition for execution contending that the respondent has not complied with the order passed in the above CCP filed by them. The respondent has not filed any counter.

2. Heard the counsel. By the order dated 22.04.2021, this Forum directed the respondent to pay the compensation and cost within 30 days from the date of issue of the order. During the pendency of the E.P. before this Forum, it was represented by the respondent that they preferred Writ Petition (W.P.) before the Hon'ble High Court and the same was pending for final disposal and there was also a stay of any proceedings of this Forum. However, on 29.03.2023, the learned counsel for the petitioner produced copy of the

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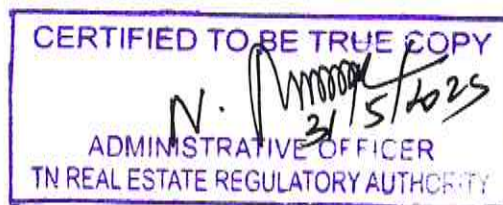
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order of the Hon'ble Madras High Court in W.P. and submitted that the interim stay was granted by the Hon'ble High Court on condition of deposit of the amount and the same was not complied with and the stay was vacated as the conditional order was not complied with. Subsequently, it was represented that the W.P. was dismissed for non-prosecution on 24.04.2023. In the above circumstances, the petitioner is entitled to seek the execution of the order.

3. Since the amounts due to the petitioner/order holder 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 the TNRERA Rules and send it to the District Collector, Chennai District, to collect the amounts and satisfy the claims under the orders passed in the above CCP in favor of the above petitioner.



Sd/- 31.05.2023  
G. SARAVANAN,  
ADJUDICATING OFFICER,  
TNRERA, CHENNAI.