

**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI**
Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No. 43 of 2021 in CCP No.53 of 2020

Manikandan Nagarajan Order Holder/Complainant

Vs.

M/s. Casa Grande Builders Pvt.Ltd.
Rep by its MD, Arun Kumar Debtor/Respondent

Complainant : Rep. by M/s. V.S. Senthil Kumar, Advocates
Respondent : Rep. by M/s. Anand, Samy & Dhruva, Advocates.

Heard on : 25.02.2022
Delivered on : 17.03.2022

**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 THE ABOVE CCP DATED 30.12.2020**

The above petitioner/complainant filed the petition for execution stating that the respondent have not complied with the orders passed in the above CCP. On behalf of the respondent, no counter is filed.

2. The learned counsel for the petitioner/complainant submitted that the respondent has preferred appeal before the Hon'ble Appellate Tribunal and the appeal was dismissed for non-compliance of the conditional order for deposit of the amount and subsequently, the respondent has not settled the amount due as per the order of this Forum 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 a memo stating that the respondent preferred an appeal before the Hon'ble Appellate Tribunal in Appeal No.143 of 2021 and at the time of admission, the Hon'ble Appellate Tribunal passed conditional order which could not be complied by the respondent and the respondent sought for relief of deposit of 30% of the amount and the Hon'ble

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Appellate Tribunal declined to grant further time and dismissed the appeal for non-compliance of the conditional order and the respondent intends to prefer Civil Miscellaneous Appeal before the Hon'ble High Court and therefore, prays for a long adjournment, to enable the respondent to prefer appeal before the Hon'ble High Court.

4. Heard both sides. The order in the above CCP for refund of the amount with compensation and cost was passed by this Forum on 30.12.2020. The appeal preferred by the respondent was disposed by the Hon'ble Appellate Tribunal on 28.01.2022. Admittedly, the respondent is yet to prefer appeal before the Hon'ble High Court and has not obtained any order of stay against execution of the order passed by this Forum. Therefore, the petitioner/complainant is entitled for execution of the petition by attachment and sale of the property described in the schedule of the property in 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.

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 send it to the District Collector, Chennai, to collect the same to satisfy the claims under the orders passed in favor of the above complainant.

**Sd/- 17.03.2022
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA,CHENNAI**

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17.3.2022.
LAW OFFICER
TN REAL ESTATE REGULATORY AUTHORITY