

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

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

Execution Petition No.75 of 2021 in CCP No.59 of 2020

I. Daisy Caroline Petitioner/Order holder

Vs.

M/s. Puravankara Projects Ltd.

Rep. by its Dy.MD, Karthik

.... Respondent/Debtor

Complainant : Rep by Mr.G.R.Hari, Advocate

Respondent : Rep by Mr. R.Sathish Kumar, Advocate

Heard on : 22.04.2022

Delivered on : 10.05.2022

**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 25.06.2021.**

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

2. In spite of sufficient time being given, the respondent has not filed any counter. However, the counsel for the respondent filed a memo stating that the respondent preferred a writ petition No.23190/2021 against the order dated 25.06.2021, passed by this Forum, in CCP No.59/2020 and the same is pending before the Madras High Court and the same was not listed in spite of the best efforts of the counsel and therefore the execution petition is to be adjourned in view of the pending writ petition.

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10/05/2022

3. By order dated 25.06.2021 in the CCP, this Forum directed the respondent, to refund the amount paid by the complainant with interest, compensation and cost within 30 days of the issue of the order. Admittedly, the respondent has not preferred any appeal before the Hon'ble Appellate Tribunal under the RERA Act. It is also not the case of the respondent that any interim order of stay of proceedings in the EP was made by the Hon'ble High Court pending the writ petition. This Forum, as an executing court, cannot go beyond the order passed in the main complaint. Therefore, the objections of the respondent are not sustainable.

4. Since the amount 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 TNRERA Rules and send it to the District Collector, Kancheepuram, to collect the same to satisfy the claims under the order passed in favor of the above petitioner/order holder.

Sd/- 10.05.2022
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI.

CERTIFIED TO BE TRUE COPY

10.5.2022
LAW OFFICER
TN REAL ESTATE REGULATORY AUTHORITY