

**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI**
Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No. 08 of 2021 in CCP No.306 of 2019

1. Yogi Saraf
2. Rinku Saraf. Order Holders/Applicants

Vs.

M/s. Ozone Projects Pvt.Ltd. Debtor/Respondent

Complainants : Rep. by Mr.Ajay Kumar Gupta, Advocate.

Respondent : Rep. by M/s.BFS Legal, Advocates

Heard on : 03.11.2021

Delivered on : 30.11.2021

**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 THE ABOVE CCP DATED 20.11.2020**

The above applicants/complainants filed the petition for execution stating that the respondent has not complied with the orders passed in the above CCP. The respondent filed counter stating that they filed appeal against the order passed in the above complaint vide appeal No.06 of 2021 and already deposited 25% of the principal amount awarded and the appeal is pending.

2. Heard both sides. The learned counsel for the applicants/complainants submitted that the respondent preferred appeal, but, the appeal was dismissed by the Hon'ble Appellate Tribunal by order dated 20.09.2021 for non compliance of interim order and hence the execution of the order for recovery of amount under the order to be made by this Forum.

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3. The learned counsel for the respondent has not disputed that the Appellate Tribunal dismissed the appeal for non compliance of interim order.

4. Since the amounts due to the applicants/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 send it to the District Collector, Chennai, Tamil Nadu to collect the same to satisfy the claims under the orders passed in favor of the above complainant.

**Sd/- 30.11.2021
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI.**

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LAW OFFICER
TN REAL ESTATE REGULATORY AUTHORITY