

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

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

Execution Petition No. 82 of 2021 in CCP No. 56 of 2020

Amrita Chaudhary

.... Petitioner/Order holder

Vs.

M/s. VGN Property Developers Pvt.Ltd.
Rep by its MD, Pratish Vedhappudi

.... Respondent/Debtor

Petitioner : Rep. by M/s.Hema Srinivasan, Advocates

Respondent : Rep. by Mr.K.Harishankar, Advocate

Heard on : 13.06.2022

Delivered on : 11.07.2022

**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 13.07.2021**

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 the counter of the respondent, it is contended that as far as the property that is sought to be attached is concerned, as on date, the respondent has sold out UDS in the lands to various flat purchasers of the project and the respondent is not the title holder of the property and there exist a third party interest over the property sought to be attached and therefore the execution petition is liable to be dismissed.

3. By order dated 13.07.2021, this Forum directed the respondent to refund the amount paid by the petitioner/order holder with interest, compensation and

TRUE COPY

lcg
11/07/2022

cost within 30 days from the date of issue of the order and the respondent filed counter stating that in the property that is sought to be attached by the petitioner, the respondent has sold out UDS in the lands to various flat purchasers of the project and there exist a third party interest over the property. The respondent has not filed any documents to support the claim that all the properties in the project were sold out. Therefore, the contentions raised by the respondent are liable to be rejected.

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

**Sd/- 11.07.2022
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI.**

VERIFIED TO BE TRUE COPY

N. Prasad
11/7/22