

**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI**
Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No. 86 of 2021 in CCP No. 267 of 2019

Saranya Upendran

.... Petitioner/Order holder

Vs.

M/s. VGN Developers Pvt.Ltd.
Rep by its Director, Devadoss Padma

.... Respondent/Debtor

Petitioner : Rep. by M/s.Vivrti Law, Advocates

Respondent : Remained absent

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 12.02.2021**

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 service of notice of this Forum, the respondent remained absent. The learned counsel for the petitioner/order holder submitted that the respondent/debtor preferred an appeal before the Hon'ble Appellate Tribunal in Appeal No.74/2021 and the appeal was dismissed by the Hon'ble Tribunal for non compliance of section 43(5) of the RERA Act on 22.10.2021 and the respondent has not preferred any further appeal and not settled the amount due under the order of this Forum wantonly and deliberately and therefore the EP is to be allowed by issue of warrant. The learned counsel also filed a memo

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on behalf of the petitioner/order holder regarding the schedule of properties to be attached under the warrant and the memo was recorded as part of the proceedings.

3. By order dated 12.02.2021, this Forum directed the respondent to repay the amount paid by the petitioner with interest, compensation and cost within 60 days from the date of issue of the order. The respondent preferred appeal before the Hon'ble Appellate Tribunal in Appeal No.74/2021 and the appeal was dismissed by the Hon'ble Tribunal for non compliance of section 43(5) of the RERA Act on 22.10.2021. Therefore, the petitioner is entitled for the amount due and as per the order of this Forum.

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.

CERTIFIED TO BE TRUE COPY

N. Annapurna
11/7/22
Administrative Officer