

**BEFORE THE**  
**TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,**  
**CHENNAI**  
**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,**  
**Execution Petition No. 89 of 2021 in CCP No.215 of 2019**

1. V.Gnanasambandam  
2. G.Danya .... Petitioners/Order Holders

**Vs.**

M/s. K.G. Foundations Pvt. Ltd..  
Rep by its MD, Kishore Kumar Gokuldas .... Respondent/Debtor

Petitioners : Rep by Mrs.R.Chitra, Advocate  
Respondent : Rep by M/s. Ojas Law Firm, Advocates

**Heard on : 31.05.2022**  
**Delivered on : 13.06.2022**

**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 23.09.2021**

The above petitioners/order holders filed the petition for execution stating that the respondent/debtor has not complied with the order passed in the above CCP filed by them.

2. In the memo filed by the respondent, it is stated that the respondent preferred an appeal against the order of this Forum before the Appellate Tribunal and also a petition to waive the condition imposed in M.A.No.25 of

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2022 to deposit part of the amount as per the order passed in the CCP and since the condition was not complied with for depositing of the amount, the Hon'ble Appellate Tribunal dismissed the waiver application and the respondent preferred an appeal in CRP No.900 of 2022 before the Hon'ble High Court of Madras and the Hon'ble High Court was pleased to admit and to issue notice in the CRP. However, subsequently, the Hon'ble Appellate Tribunal dismissed the appeal. The respondent also referred an appeal in CMSA No.SR.No.47456 of 2022 challenging the order of dismissal of the Hon'ble Appellate Tribunal dated 28.03.2022 and the appeal is likely to be listed after the summer vacation and therefore the respondent seeks extension of time until the appeal is adjudicated by the Hon'ble High Court.

3. By the order dated 23.09.2021, this Forum directed the respondent to refund the amount within 30 days of the issue of the order. Even though the respondent stated that he has approached the Hon'ble Madras High Court by way of CRP and also CMSA against the dismissal order of the Hon'ble Appellate Tribunal, as such, no stay order has been granted in favour of the respondent. Therefore, the request of the respondent seeking extension of time until the appeal is adjudicated is not maintainable and is liable to be rejected.

4. Since the amounts due to the petitioners/order holders 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.

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**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, Thiruvallur to collect the same to satisfy the claims under the orders passed in favor of the above petitioners/order holders.

Sd/- 13.06.2022  
G. SARAVANAN  
ADJUDICATING OFFICER  
TNRERA, CHENNAI.

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**LAW OFFICER**  
**TN REAL ESTATE REGULATORY AUTHORITY**