

BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI
Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No. 93 of 2021 in CCP No.131 of 2020

1. Sheetal M Parekh
2. Manoj Parekh

.... Petitioners/Order Holders

Vs.

1. M/s.Ozone Projects Pvt. Ltd.
Rep. by its Director
2. Managing Director
M/s.Ozone Projects Pvt. Ltd.

.... Respondents/Debtors

Petitioners : Rep by M/s. S.Shujath, Advocate

Respondents : Rep by Mr. A.R.Vishwaram, Advocate

Heard on : 01.06.2022

Delivered on : 04.07.2022

**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 30.07.2021**

The above petitioners/order holders filed the petition for execution stating that the respondents/debtors have not complied with the order passed in the above CCP filed by them.

2. In the counter of the respondents, it is contended that the RERA Act and the TNRERA Rules preserve the rights and obligations of the parties to the agreement entered prior to the Act and the Rules and the respondents have

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suffered various problems in the construction of the project and also seek eight months time to refund the sale consideration as they are arranging funds from various financial institutions.

3. By order dated 30.07.2021, this Forum directed the respondents to refund the amount paid by the petitioners with interest, compensation and cost within 60 days from the date of issue of the order. Nearly, one year passed since the passing of the order. It is not the case of the respondents that they have preferred any appeal against the order of this Forum before the Appellate Tribunal. In execution proceeding, the respondents are not entitled to raise all the points already agitated and considered in the main case. Therefore, all the contentions raised by the respondents are 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.

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 order passed in favor of the above petitioners/order holders.

Sd/- 04.07.2022
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI.

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N. [Signature]
Administrative Officer