

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

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

**Unnumbered E.A.S.R No.10 of 2022**

**In**

**EP No.48 of 2021 in CCP No. 297 of 2019**

M/s. Sameeraa Foundation Private Ltd.

Rep by its Authorised Signatory,

B.Thiruselvan

.... Petitioner/Judgement  
Debtor-2/2<sup>nd</sup> Respondent

**Vs.**

1. A.Prashanth & another

..... 1<sup>st</sup> Respondents/order  
holders/Complainants

2. M/s. BBCL Properties Pvt.Ltd.

Rep by its Director Vummidi Bharat

..... 2<sup>nd</sup> Respondent/ Judgement  
Debtor-1/1<sup>st</sup> Respondent

Petitioner/Judgement Debtor-2/ : Rep by Mr.S.Namasivayam, Advocates  
2<sup>nd</sup> Respondent

1<sup>st</sup> Respondents/order : Rep by M/s. D.V.Rao, Advocates  
holders/complainants

**Heard on : 17.03.2022**

**Delivered on : 31.03.2022**

This execution application has been filed by the Petitioner/Judgement Debtor-2/2<sup>nd</sup> Respondent under Section 47 of the CPC, to dismiss the execution petition as devoid of jurisdiction and bad in law.

2. The counsel for the Petitioner/Judgement Debtor-2/2<sup>nd</sup> Respondent submitted that the applicant had conveyed the lands allotted for public purpose to the local

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body by a gift deed and the CMDA has granted the layout approval and the project is exempted under section 2(h)(i) of the TNRERA Rules 2017 and therefore the execution petition is liable to be dismissed.

3. In the order in the main case, the question of application of Rule 2(h)(i) of the TNRERA Rules 2017 was examined and rejected by this Forum. As an executing Court, this Forum cannot go beyond the order passed in the main case. The RERA Act is a self contained code prescribing summary procedure for disposal of complaints filed under the Act. The applicant cannot make an attempt to reopen the main case with a petition under section 47 CPC. The remedy is available only by way of appeal under the RERA Act. Considering all the above circumstances and facts of the case, it is held that the petition is not maintainable and is liable to be dismissed as not sustainable.

**In the result the petition is dismissed.**

**Sd/- 31.03.2022  
G. SARAVANAN  
ADJUDICATING OFFICER  
TNRERA, CHENNAI.**

CERTIFIED TO BE TRUE COPY  
N. Anoop  
31/3/22  
ADJUDICATING OFFICER

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.... Petitioner/2<sup>nd</sup> Debtor/  
2<sup>nd</sup> Respondent

**Vs.**

1. A.Prashanth

2. Karthiga

.... 1<sup>st</sup> & 2<sup>nd</sup> Respondents/order  
holders/Complainants

3. M/s. BBCL Properties Pvt.Ltd.

Rep by its Director Vummidi Bharath

.... 3<sup>rd</sup> Respondent/ 1<sup>st</sup> Debtor/  
1<sup>st</sup> Respondent

- **Amended as per order dated 15.07.2022  
on the memo filed by the Petitioner**

Petitioner/2<sup>nd</sup> Debtor/ 2<sup>nd</sup>  
Respondent

: Rep by Mr.S.Namasivayam, Advocates

1<sup>st</sup> & 2<sup>nd</sup> Respondents/order  
holders/complainants

: Rep by M/s. D.V.Rao, Advocates

3<sup>rd</sup> Respondent/ 1<sup>st</sup> Debtor/  
1<sup>st</sup> Respondent

: Rep by M/s.A.A.V.Partners,Advocates

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2. The counsel for the Petitioner/Judgement Debtor-2/2<sup>nd</sup> Respondent submitted that the applicant had conveyed the lands allotted for public purpose to the local body by a gift deed and the CMDA has granted the layout approval and the project is exempted under section 2(h)(i) of the TNRERA Rules 2017 and therefore the execution petition is liable to be dismissed.

3. In the order in the main case, the question of application of Rule 2(h)(i) of the TNRERA Rules 2017 was examined and rejected by this Forum. As an executing Court, this Forum cannot go beyond the order passed in the main case. The RERA Act is a self contained code prescribing summary procedure for disposal of complaints filed under the Act. The applicant cannot make an attempt to reopen the main case with a petition under section 47 CPC. The remedy is available only by way of appeal under the RERA Act. Considering all the above circumstances and facts of the case, it is held that the petition is not maintainable and is liable to be dismissed as not sustainable.

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N. Anoop  
15/7/20