

**BEFORE THE**  
**TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,**  
**CHENNAI**  
**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,**  
**Execution Petition No. 11 of 2022 in CCP No.114 of 2020**

1. Ajmal Khan
2. Mrs. Finozia Farveen

.... **Petitioners/Order holders**

**Vs.**

M/s. Casa Grande Civil Engineering Pvt. Ltd.  
Rep by its Managing Director

.... **Respondent/Debtor**

Petitioners : M/s. R. Prabhakaran, Advocate  
Respondent : M/s. Ganesh & Ganesh, Advocate

Heard on : 25.07.2022  
Delivered on : 24.08.2022

**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 31.08.2021**

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 by this Forum. The respondent remained absent.

2. In the counter of the respondent, it is contented that the respondents has taken legal consultation and decided to prefer an appeal and instructed the counsel accordingly and the petitioner has filed the interest calculation sheet in which the payment details on the dates for such calculation has not been provided and further the petitioner referred the entire larger extent of property for creating charge and attachment and incorrect and false

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submission of the entire claim is not in consonance with the orders passed and the petitioner has not come forward to execute cancellation of the agreement and preferred the petition and therefore the petition is liable to dismissed.

3. By order dated 31.8.2021, this Forum directed the respondent to pay the compensation for the delay, mental agony, refund towards car park and litigation cost within 30 days of the issue of the order. It is not the case of the respondent that they have preferred any appeal against the order for this Forum before the Appellate Tribunal till date. The respondent has disputed the interest working calculation with respect to the dates of payments for calculation of interest. Even though it was open for the respondent to file their own calculation sheet on the basis of the order, the respondent has not preferred to file any calculation sheet to vary the amount claimed by the petitioner.

4. So far as the claim that the petitioner referred the entire larger extent of the property for creating charge and attachment for realization of the amount as per the order is concerned, the contention of the respondent is not sustainable since the amount due to the petitioner under the order is to be recovered from the sale of the property by the Executing Authority. Therefore all the contentions raised by the respondents are liable to be rejected.

5. Since the amounts due to the petitioner/order holder from the respondent 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.

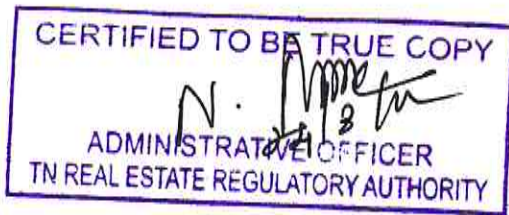
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**In the result, it is ordered as follows:**

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, Kancheepuram, to collect the amount to satisfy the claims under the orders passed in favor of the above petitioner/order holder.



**Sd/- 24.08.2022  
G. SARAVANAN  
ADJUDICATING OFFICER  
TNRERA, CHENNAI.**