

BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI
Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No. 16 of 2022 in CCP No.156 of 2020

1. K.S.Parvathy
2. R.Rajesh
(Rep by Power Agent P.V.Radhakrishnan) Petitioners/Order Holders

Vs.

M/s. Selene Estate Ltd.
Rep. by its Managing Director Respondent/Debtor

Petitioners : Rep by M/s. G. Surya Narayanan, Advocate
Respondent : Rep by Mr. A.R.Vishwaram, Advocate

Heard on : 01.06.2022
Delivered on : 06.07.2022

**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 26.10.2021**

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 counter of the respondent, it is contended that due to unforeseeable circumstances beyond the control of the respondent, the respondent was not able to complete the construction and handover the apartment within the time frame specified in the agreement and the respondent completed the residential unit and obtained completion certificate as early as July 2020 and

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intimated to the complainants that the unit is ready for occupation and the delay in handing over the apartment is neither willful nor wanton. The respondent sought eight months time to refund the sale consideration amount to the petitioners.

3. By order dated 26.10.2021, this Forum directed the respondent to refund the amount paid by the petitioners with interest, compensation and cost within 30 days from the date of issue of the order. Nearly eight months passed since the passing of the order. It is not the case of the respondent that they have preferred any appeal against the order of this Forum before the Appellate Tribunal. In execution proceeding, the respondent is not entitled to raise all the points already agitated and considered in the main case. Therefore, all the contentions raised by the respondent are liable to be rejected.

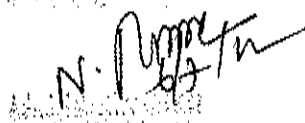
4. Since the amounts due to the petitioners/order holders under the order is to be recovered as arrears as land revenue, it is just and necessary to issue warrant under section 40(1) of the RERA Act read with Rule 26 of the TNRERA Rules. The EP is disposed accordingly.

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/- 06.07.2022
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI.

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N. Narayanan