

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

**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,  
Execution Petition No.02 of 2022 in CCP NO.252 of 2019**

1. Kumaran Thangaiyan  
2. Sushma Sesetty ... Petitioners/Order holders

**Vs.**

M/s. Ozone Projects Pvt. Ltd,  
Rep by its MD, Vasudevan Sathiamoorthy ... Respondent/Debtor

Petitioners : Parties-in-person  
Respondent : Rep. by Mr. A.R.Vishwaram, Advocate

**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 CCP NO.252 OF 2019 DATED 06.07.2021**

The above petitioners/complainants 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 stated that the project was started after getting all the necessary approvals from the concerned authorities and the same was also registered as an ongoing project with the TNRERA and the respondent had put its best possible efforts to expedite the progress of construction, but, due to natural calamity, short supply of construction materials, shortage of sand, the respondent could not complete the project within the mutually agreed time frame. The respondent also suffered several

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third party frivolous claims and suffered various problems regarding the construction and the respondent is liable to refund the sale consideration as per the order, but, further seeks 8 months time to refund the sale consideration amount as they are obtaining funds from various financial institutions.

3. Heard both sides. By order dated 06.07.2021, this Forum directed the respondent to refund the amount paid by the petitioners with interest, compensation and cost within 60 days of the issue of the order. In the counter, the respondent admitted their liability to refund the sale consideration and sought 8 months time. As the order is passed on 06.07.2021, almost one year has elapsed. Therefore, this Forum is not in a position to grant further time for settlement of the amounts in favour of the petitioners. Therefore, all the contentions of 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 forward the same to the District Collector, Chennai, to collect the same to satisfy the claims under the order passed in favor of the above petitioners/order holders.

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

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13.6.2022  
IN REAL ESTATE REGULATORY AUTHORITY