

BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI
Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No.26 of 2022 in CCP No.304 of 2019

1. D.K. Bhagavathi Nath
2. B. Rajalakshmi
3. T.S. Manohar

.... **Petitioners/Order Holders**

Vs.

M/s. BBCL Shrishti Homes LLP,
Rep. by its Designated Partner,
Vummdi Ananth.

.... **Respondent/Debtor**

Petitioners : In-person.

Respondent : Rep. by Mr. Avinash Krishnan Ravi, Advocate

Heard on : 30.11.2022

Delivered on : 28.12.2022

**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 23.02.2021**

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.

2. In spite of sufficient time being given, the respondent has not filed any counter.

3. By Order dated 23.02.2021, this Forum directed the respondent to pay compensation for delay in handing over possession of the constructed flat and also for mental agony and cost of litigation within 30 days from the date of

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issue of the order. On perusal of the copy of the order of the Hon'ble TN Real Estate Appellate Tribunal dated 10.01.2022 in Appeal No.58 of 2021 produced by the petitioners, it is seen that the petitioners preferred appeal against the order of this Forum for enhancement quantum of compensation and the same was dismissed by the Hon'ble Appellate Tribunal confirming the order of this Forum in the above CCP. It is also relevant to note that the respondent/debtor also preferred an appeal against the order of this Forum in Appeal A.No.70/2021 before the Hon'ble Tribunal and the same was dismissed for non-compliance of Section 43(5) of the RERA Act by order dated 22.10.2021.

4. Since the amounts due to the complainants 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, Kancheepuram District, to collect the same to satisfy the claims under the order passed in favour of the above petitioners.

Sd/- 28.12.2022
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI.

