

Newtech Promoters and Developers Pvt. Ltd. Vs State of UP and others, the Adjudicating Officer does not have any power to grant the refund and therefore the order is without jurisdiction and authority of law and due to various reasons the completion of the project was delayed and the construction of the project was already completed and the possession is ready to be handed over to the complainants, provided, the remaining payment is being made and therefore, the petition is liable to be set aside.

3. By order dated 30.07.2021, this Forum directed the respondents to refund the amount paid by the petitioners with interest, compensation and cost within 30 days from the date of issue of the order. The respondents filed counter in the main case raising all the objections and points in the counter filed herein. This Forum passed the final order considering all the points raised by the respondents in the main case. It is well settled law that an executing court cannot go beyond its original order. If aggrieved, it was open for the respondents to prefer appeal before the Appellate Tribunal under the Act. It is not the case of the respondents that they have preferred any appeal challenging the order of this Forum before the Appellate Tribunal. In execution proceeding, this Forum cannot re-open the main case and go beyond the final order passed in the CCP. Therefore, all the contentions raised by the respondents 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.

TRUE COPY

LC
13/8/2022

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, Chengalpattu 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.

CERTIFIED TO BE TRUE COPY

[Handwritten Signature]
LAW OFFICER 13.6.2022
TNRERA, CHENNAI