

**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI**
Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No. 04 of 2022 in CCP No. 307 of 2019

M/s.Akmin Technologies Private.Ltd.
Rep. by its Director, S.Vijayakumar Petitioner/Order holder

Vs.

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

Petitioner : Rep. by M/s.R.Swarnavel, Advocates

Respondent : Rep. by Mr.A.R.Vishwaram, Advocate

Heard on : 15.06.2022
Delivered on : 20.07.2022

**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 07.05.2021**

The above petitioner/order holder 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 the counter of the respondent, it is contended that in order to avoid replication of substantially same submissions, the respondent is filing a comprehensive counter giving all the details of the project and the progress of works in the project in an elaborate manner. The respondent finally submitted that they are liable to refund the sale consideration and sought 8 months time to refund the sale consideration as they are arranging funds from various financial institutions.

3. By order dated 07.05.2021, this Forum directed the respondent to pay the amounts with interest, compensation and cost within 30 days from the date of

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issue of the order. As on date more than one year elapsed. 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, this Forum cannot go beyond the order passed in the original complaint. Therefore, all the contentions raised by the respondent are liable to be rejected.

4. The application for execution of order is filed under section 40(1) of the RERA Act read with Rule 26 of the TNRERA Rules for recovery of the amounts due towards refund of the amount with interest, compensation and cost. However, the applicant sought to issue warrant of arrest and detention of the judgment debtor for non compliance of the order. Since the application is for execution of the order already passed, the request for issuing warrant of arrest and detention cannot be entertained by this Forum simultaneously. Therefore the request for issuing warrant of arrest and detention is rejected.

5. Since the amounts due to the petitioner/order holder 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 orders passed in favor of the above petitioner/order holder.

**Sd/- 20.07.2022
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI.**

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Administrative Officer