

BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI
Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No.45 of 2022 in CCP No.268 of 2019

1. Rangarajan,
2. Rekha Rangarajan ... **Petitioners/Order Holders**

Vs.

M/s. VGN Developers Pvt. Ltd.,
Rep. by its Director, Devadoss Padma ... **Respondent/Debtor**

Complainants : Rep. by M/s. Vivrti Law, Advocates
Respondent : Rep. by Mr. K. Harishankar, Advocate.

Heard on : 23.01.2023
Delivered on : 13.02.2023

**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 12.02.2021**

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 filed by them.

2. In the counter of the respondent, it is contented that as per the order in the complaint, the petitioners are entitled to have charge over the flat booked by them for the purpose of executing the order and encumbrance was also created by charge and after dismissal of the appeal preferred by the respondent in Appeal No.75 of 2021 by the Appellate Tribunal, the respondent also preferred further appeal in CMSA No.43 of 2022 and the same is pending before the Hon'ble High Court of Madras and therefore the present petition is liable to be dismissed.

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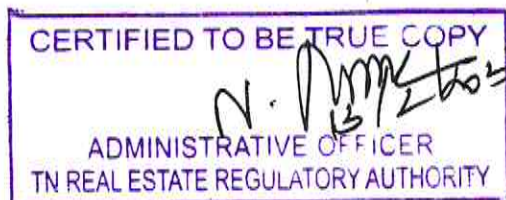
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3. By order dated 12.02.2021, this Forum directed the respondent to pay the amounts due with interest, compensation and other charges within 60 days of the date of issue of the order. Admittedly, the appeal preferred by the respondent in Appeal No.75 of 2021 before the Hon'ble Appellate Tribunal was dismissed on 22.10.2021. The respondent stated that the appeal in CMSA No.43 of 2022 is pending before the Hon'ble Madras High Court, but there is no stay of order of this Forum. The respondent also relied on the order of the Forum in the CCP creating charge of the amount due as encumbrance on the flat booked by the complainant till repayment of the claim as per the order. It is not the case of the respondent that the total amount due with interest and compensation could be recovered from the sale of the flat booked by the petitioner. Considering the above circumstances, all the contentions raised by the respondent are 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 District to collect the same to satisfy the claims under the order passed in favour of the above petitioners/order holders.



Sd/- 13.02.2023
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI.