

**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI
Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,
Execution Petition No. 06 of 2022 in CCP No.21 of 2020**

N. Jegannathan Petitioner/Order holder

Vs.

M/s. Marg Properties Ltd.
Rep. by its Director, G.R.K.Reddy Respondent/Debtor

Petitioner : Rep. by M/s.Ralph V. Manohar, Advocates

Respondent : Rep. by M/s.S.Mohanapriya, Advocate

Heard on : 13.06.2022

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 22.06.2021**

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 filed by him.

2. In the counter of the respondent, it is contended that the respondent is not the absolute owner of the properties mentioned in the petition and they are having only interest as per the joint venture development agreement and the interest amount is not properly calculated and there is change of circumstances and the petitioner is a member of the flat buyers association and the association discussed with the respondent and agreed for a revised terms to complete the pending works and the works will be completed by the association. Therefore, the respondent seeks remedy by way of review of the

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order passed by this Forum in the complaint and under Rule 26 of the TNRERA Rules, in the event of inability to execute the order, the same has to sent to Civil Court for execution and the execution petition is liable to be dismissed.

3. By order dated 22.06.2021, this Forum directed the respondent to pay the amounts with interest, compensation and cost to the petitioner, within 30 days from the date of issue of the order. More than one year passed since the passing of the order. 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 main case. The respondent has not produced any documents regarding their interest in the property of the project. Rule 26 of the TNRERA Rules, 2017 deals with the recovery of the amount due under the Act as arrear of land revenue under the Tamil Nadu Revenue Recovery Act, 1864. Therefore, all the contentions raised by the respondent are liable to be rejected.

4. 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, Kancheepuram, 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.

CERTIFIED TO BE TRUE COPY

N. Anand
20/7/22
Administrative Officer