

**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI**

Quorum : Mr. Sunil Kumar, I.P.S (Retd), M.A, LLB, Hon'ble Single Member

Execution Petition No. 06 of 2022 in CCP No. 89 of 2020

V. Vijayaprakash ... Complainant

Vs.

1. M/s. KGEYES Residency Pvt Ltd.,
Rep. by its Managing Director
Mr. P.V.Sanmugam and Joint Managing Director
Mr. S. Venkatasubramanian

2. S.Pradeep ... Respondents

Complainant : Party-In-Person
1st Respondent : Rep. by M/s. Nitheesh and Vaibhav, Advocates.
2nd Respondent : Rep. by Mr. Venkatajalapathy, Advocate

**Heard on : 05/05/2023
Delivered on : 02/06/2023**

**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 20/05/2022**

1. The above complainant filed the petition for execution stating that the respondents have not complied with the order passed in the above CCP filed by them.
2. The respondents have not obtained any stay in any appeal preferred by the respondent before the Appellate Tribunal nor he has paid the amount due to the complainant in compliance of the order of this Forum.
3. In the above CCP, the principle amount of Rs.25,00,000/- has already been obtained, the liability of the 1st respondent remains restricted to pay the interest to the complainant as ordered in CCP No. 89 of 2020 dated 20/05/2022.

J.S.
21/6/23
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4. Since, the amount due to the complainant under the order is due and liable to be recovered, 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, Thiruvallur, to collect the same to satisfy the claims under the orders passed in favor of the above complainant.

Sd/- 02/06/2023
SUNIL KUMAR, I.P.S (Retd)
SINGLE MEMBER
TNRERA, CHENNAI



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E.P. No. 06 of 2022 in CCP No. 89 of 2020

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... Respondents

Complainant : Party-In-Person

1st Respondent : Rep. by M/s. Nitheesh and Vaibhav, Advocates.

2nd Respondent : Rep. by Mr. Venkatajalapathy, Advocate

Correction ordered on 04/08/2023

AMENDMENT

An Application has been filed by Mr. Vijayaprakash (complainant), to correct the order dated 02/06/2023.

It is ordered to rectify in the existing portion and read as follows:-

Amendment in E.P No. 06 of 2022 in CCP 89 of 2020

Correction is ordered in page 2, "In the result, it is ordered" "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 same to satisfy the claims under the orders passed in favor of the above complainant." Instead of "Issue recovery warrant under section 40(1) of the RERA Act read with Rule 26 of TNRERA Rules and send it to the District

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Collector, Thiruvallur, to collect the same to satisfy the claims under the orders passed in favor of the above complainant."

Sd/- 04/08/2023
Mr. SUNIL KUMAR, I.P.S (Retd)
SINGLE MEMBER BENCH
TNRERA, CHENNAI

CERTIFIED TO BE TRUE COPY

For ADMINISTRATIVE OFFICER
TN REAL ESTATE REGULATORY AUTHORITY