

**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. 29 of 2023 in CCP No. 84 of 2020

- 1) Mr.P.Vijay Neelakandan, (Deceased)
 - 2) Mrs. K.Swathi
 - 3) Mrs. P.Santha
 - 4) Master V.Jitheswaran Neelakandan (Minor)
Rep. by his Mother K.Swathi
 - 5) Miss V.Kirthika (Minor)
Rep. by her Mother K.Swathi
- ...Complainants

Vs.

- 1) Mrs. C.Sridevi
 - 2) Mrs. S.Vijayalakshmi
 - 3) Mr. V.Chandrasekar,
General Power of Attorney,
Representing C.Sridevi and S.Vijayalakshmi.
- ...Respondents

Complainant : Rep. by M/s. S. Thilaka, Advocates

Respondent : Rep. by M/s. Mohammed Fayaz Ali, Advocates

**Heard on: 22/08/2023
Delivered on: 04/09/2023**

**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 21/02/2023**

1. The above complainants 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 respondent has not obtained any stay in any appeal preferred by the respondent before the Appellate Tribunal nor has he paid the amount due to the complainant in compliance of the order of this Forum.

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3. In the above CCP, the respondents R1, R2 and R5 are directed to pay the complainants, the amount of Rs.24,97,688/- with interest @ 10.15% p.a, for the paid sum of Rs.14,00,000/- till realization and litigation expenses of Rs.25,000 as ordered in CCP No. 84 of 2020 dated 21/02/2023. (i.e. Rs.14,00,000/- with interest at the rate of 10.15% p.a from the date of respective payment till 30/04/2023, Rs.10,72,688.15/- with litigation expenses of Rs.25,000/-) (Rs.14,00,000/- + Rs.10,72,688.15/- + Rs.25,000/- = Rs.24,97,688/-)

4. Since, the amount due to the complainants 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 disposed of 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 to the District Collector, (Kancheepuram), now Chengalpet District, to collect the same for the satisfaction of the claim under the orders passed in favor of the above complainant.

Sd/- 04/09/2023
SUNIL KUMAR, I.P.S (Retd)
SINGLE MEMBER
TNRERA, CHENNAI

