

**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. 37 of 2023 in CCP No. 203 of 2021**

- 1) Mr.R. Vijayakumar  
2) Mr. Sampath Kumar ... Complainants

**Vs.**

- 1) M/s Grace Gated Community LLP  
Represented by its Authorised Signatory  
2) M/s Casa Grand Civil Engineering  
Private Limited Company  
Represented by its Authorised Signatory ... Respondents

Complainant : Rep. by M/s. Abhilash Gopinath, Advocates

Respondent : Rep. by M/s. Ganesh and Ganesh, Advocates

**Heard on: 17/10/2023  
Delivered on: 18/10/2023**

**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 08/02/2023**

1. The above complainant filed the petition for execution stating that the respondent has 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.
3. In the above CCP, the respondent is directed to pay the complainant, the amount of Rs.45,17,278.83/- with interest @ 9.30% p.a, for the paid sum of Rs.34,41,044.50/- till realization and litigation expenses of Rs.25,000 as ordered in CCP No. 203 of 2021 dated 08/02/2023. (i.e. Rs.34,41,044.50/- with

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interest at the rate of 9.30% p.a from the date of respective payment till 13/03/2023, Rs.10,51,234.33/-) (Rs.34,41,044.50/- + Rs.10,51,234.33/- + Rs.25,000/- = Rs.45,17,278.83/-)

4. The facts in the counter are very common and have no substance for consideration at this juncture, as the objection has already been raised even at the time of enquiry of CCP No. 203 of 2021.

5. 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 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, Chennai District, to collect the same for the satisfaction of the claim under the orders passed in favor of the above complainant.

Sd/- 18/10/2023  
SUNIL KUMAR, I.P.S (Retd)  
SINGLE MEMBER  
TNRERA, CHENNAI

