

**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. 04 of 2023 in CCP No. 110 of 2020

B. Manoharan

... Complainant

Vs.

1. M/s. K.S. Realty Construction (P) Ltd.,
Rep. by its Director

2. M/s. Akshaya Pvt Ltd.,
General Power of Attorney Holder of
K.S. Realty Construction (P) Ltd
Rep by its Director

... Respondents

Complainant : Rep. by Mr. Ch. Paranjothi, Advocate

Respondents : Rep by Mr. Mani Sundar Gopal, Advocate

**Heard on: 04.01.2024
Delivered on:23.02.2024**

**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 25.10.2022**

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 him.
2. The respondents have not obtained any stay in any appeal preferred by the respondents 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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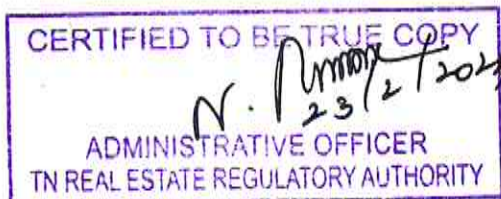
3. In the above CCP, the respondents are directed to pay the complainant, an amount of Rs.40,33,522/- with interest @ 10.05% p.a, from the date of respective payment till realization and litigation expenses of Rs.25,000 as ordered in CCP No. 110 of 2020 dated 25.10.2022. The complainant has filed this Execution Petition along with the interest working calculation sheet making a total amount to Rs.73,79,912/- payable by the respondents.

4. The respondents in their counter have not indicated the mode of payment of the amount of Rs.40,33,522/- along with interest of Rs.33,21,390/- due as per the order and hence issuance of recovery warrant to the Revenue Authority in order to recover the above said amount from the respondents are very much required.

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. The District Collector, Chengalpattu is also directed to make the necessary entries in the revenue record as per the Revenue Recovery Act.

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



Sd/- 23.02.2024
SUNIL KUMAR, I.P.S (Retd)
SINGLE MEMBER
TNRERA, CHENNAI