

**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. 45 of 2023 in CCP No. 65 of 2021

N. Krishnan

... Complainant

Vs.

M/s. Pacifia (Chennai Project) Infrastructure
Company Private Limited
Represented by its MD, Rocky Israni.

... Respondent

Complainant : Rep. by M/s. Raj & Raj Associates, Advocates
Respondent : Rep. by Mr.KS.Srinivasan, Advocate

**Heard on: 03/10/2023
Delivered on: 03/10/2023**

**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 09/03/2023**

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.96,79,028/- with interest @ 9.30% p.a, for the paid sum of Rs.51,72,372/- till realization as ordered in CCP No. 65 of 2021 dated 09/03/2023. (i.e. Rs.51,72,372/- with interest at the rate of 9.30% p.a from the date of respective payment till 22/06/2023, Rs.45,06,656/-) (Rs.51,72,372/- + Rs.45,06,656/- = Rs.96,79,028/-)

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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. 65 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, (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/- 03/10/2023
SUNIL KUMAR, I.P.S (Retd)
SINGLE MEMBER
TNRERA, CHENNAI

