

**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. 56 of 2023 in RCP No. 158 of 2022

- 1) M.Saravanan
2) S.Sunitha ... Complainants

Vs.

- 1) M/s. Anugraha
Real Value Services
Chennai Pvt LTd.
Rep by its authorized signatory
2) M/s Cybercity Mangadu
Project Pvt Ltd,
Rep. by its Managing Director, ... Respondents

Complainant : Rep. by M/s. E. Sivanandan, Advocates
1st Respondent : Rep. by M/s. S Namsivayam, Advocates
2nd Respondent : Rep. by M/s. Ananda Gomathy Murugesan,
Advocates

**Heard on: 07/11/2023
Delivered on: 09/11/2023**

**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 RCP DATED 06/03/2023**

1. The above complainant filed the petition for execution stating that the respondent has not complied with the order passed in the above RCP 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 RCP, the respondent is directed to pay the complainant, the amount of Rs.35,28,306/- with interest @ 9.80% p.a, for the paid sum of Rs.25,82,163/- till realization and litigation expenses of Rs.25,000 as ordered in RCP No. 158 of 2022 dated 06/03/2023. (i.e. Rs.25,82,163/- with interest at the rate of 9.80% p.a from the date of respective payment till 14/06/2023, Rs.9,21,143/- and litigation fee of Rs.25,000/-) (Rs.25,82,163/- + Rs.9,21,143/- + Rs.25,000/- = Rs.35,28,306/-)
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 RCP No. 158 of 2022.
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 District, to collect the same for the satisfaction of the claim under the orders passed in favor of the above complainant.



Sd/- 09/11/2023
SUNIL KUMAR, I.P.S (Retd)
SINGLE MEMBER
TNRERA, CHENNAI