

**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. 69 of 2023 in CCP No. 134 of 2021**

1) K.Raghuraman  
2) R.Swarnalatha ... Complainants

**Vs.**

M/s. SSM Builders & Promoters  
Rep by its Partner M.Karthikeyan ... Respondent

Complainant : Rep. by M/s. R.Revathi Ganesh, Advocate

Respondent : Rep. by M/s. Salai Varun, Advocates

**Heard on: 26/03/2024  
Delivered on: 27/03/2024**

**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 21/12/2022**

1. The above complainants 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 paid the amount due to the complainants in compliance of the order of this Forum.
3. In the above CCP, the respondent is directed to pay the complainants, the amount of Rs.59,52,227/- with interest @ 9.30% p.a, for the refund of excess amount paid sum of Rs.6,55,006/- till realization and litigation expenses of Rs.10,000 as ordered in CCP No. 134 of 2021 dated 21/12/2022. (i.e. Refund of excess amount paid Rs.6,55,006/- with interest at the rate of 9.30% p.a

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from the date of respective payment till 16/07/2023, Rs.52,87,221/- and litigation fee of Rs.10,000/-) (Rs.6,55,006/- + Rs.52,87,221/- + Rs.10,000/- = Rs.59,52,227/-)

4. The facts in the counter are very common and have no substance for consideration at this juncture, as the objection raised have already been put forth even at the time of enquiry of CCP No. 134 of 2021.

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

Sd/- 27/03/2024  
SUNIL KUMAR, I.P.S (Retd)  
SINGLE MEMBER  
TNRERA, CHENNAI

