

**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. 74 of 2023 in RCP No. 44 of 2023

P. Soundararajan

... Complainant

Vs.

1. M/s. DVS Developers (P) Ltd.,
Rep. by its Managing Director,
K. Mahesh
2. M/s. Sri Vignesh Builders.,
Rep. by its Proprietrix,
M. Shanthi Mahesh

... Respondents

Complainant : Party – In - Person
Respondents : Ex - parte

**Heard on: 11.01.2024
Delivered on: 24.01.2024**

**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 RCP DATED 17.07.2023**

1. The above complainant filed the petition for execution stating that the respondents have not complied with the order passed in the above RCP 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.
3. In the above RCP, the respondents are directed to pay the complainant, the amount of Rs.41,24,806/- with interest @ 9.40% p.a, for the paid sum of Rs.19,00,000/- till realization and litigation expenses of Rs.25,000 as ordered in RCP No. 44 of 2023 dated 17.07.2023. (i.e. Rs.19,00,000/- with interest at the

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rate of 9.40% p.a from the date of respective payment till 29.09.2023, i.e. Rs.21,99,806/- and litigation fee of Rs.25,000/-) (Rs.19,00,000/- + Rs.21,99,806/- + Rs.25,000/- = Rs.41,24,806/-)

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

Sd/- 24.01.2024
SUNIL KUMAR, I.P.S (Retd)
SINGLE MEMBER
TNRERA, CHENNAI

