

**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 2024 in CCP No. 310 of 2019**

Mr.K.M.Mohammed Rasik Ali

... Complainant

Vs.

1. M/s. Cybercity Mangadu Project Private Limited,  
Rep. by its Director, Kottu Muralikrishna
2. M/s. Shriram Properties Limited,  
Rep. by its MD, Murali Malayappan

... Respondents

Complainant : Rep. by M/s. Genicon & Associates, Advocates  
Respondent : Ex-parte

**Heard on: 01/02/2024  
Delivered on: 07/02/2024**

**ORDER FOR RECOVERY UNDER SECTION 40(1) OF THE RERA ACT READ  
WITH RULE 26 OF TNRERA RULES**

1. The petitioner filed this execution petition for implementation of the orders passed by the Hon'ble Tamil Nadu Real Estate Appellate Tribunal in Appeal No.92 to 97 of 2021 dated 21/02/2022 and orders in Revision petition no.3 to 8 of 2022 dated 20/07/2022 after non-compliance of the same by the respondent.
2. In the revision order, the respondents were directed to pay the complainant deducting only 9.9% of the amount paid, i.e the amount paid by the complainant is Rs.13,70,192.84/-. 9.9% of the paid amount Rs.13,70,192.84/- is Rs.1,35,649/-. The calculation arrived by the complainant is given below:-

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S.No	Particulars	Amount
1	Total Amount paid by the Applicant/Order Holder to the Respondents.	Rs.13,70,192.84/-
2	Cancellation charges deducted by the Respondents.	Rs.3,74,505/-
3	The Respondents entitled to deduct @9.9% as per Revision Order.	Rs.1,35,649/-
4	Balance amount payable by the Respondents to Order Holder in terms of Review Order dated 20/07/2022.	Rs.2,38,856/-
5	The Respondents are entitled to pay interest at rate 9.30% P.A from the date of order.	Rs.27,265/-
6	Interest calculation from the date of Order to till date	21/07/2022 – 11/10/2023
7	Total Days	448 Days
8	(Less) Pre-deposit Amount	Rs.55,475/-

COMPENSATION AWADED	:	2,38,856/-
TOTAL INTEREST	:	27,265/-
LITIGATION EXPENSES	:	10,000/-
(LESS) PRE-DEPOSIT AMOUNT	:	55,475/-
<b>TOTAL</b>	<b>:</b>	<b>2,20,646/-</b>

3. Since, the amount due to the complainant (Rs.2,20,646/-) as per the revision 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.

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**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 complainants.

Sd/- 07/02/2024  
SUNIL KUMAR, I.P.S (Retd)  
SINGLE MEMBER  
TNRERA, CHENNAI

