

**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. 05 of 2024 in CCP No. 85 of 2020

- (i) Somasundaram Gopalakrishnan
Filed through Power Holder,
Sivakami Shanmugam

- (ii) Meenakshi Shanmugam
Filed through Power Holder,
Sivakami Shanmugam

... Complainants

Vs.

M/s. Ozone Projects Pvt Ltd.,
Rep. by its MD,
Vasudevan Sathyamurthy

... Respondent

Complainants : Rep by M/s. C. Suraj, Advocates
Respondent : Ex - parte

**Heard on: 08.02.2024
Delivered on: 16.02.2024**

**ORDER FOR RECOVERY UNDER SECTION 40(1) OF THE RERA ACT READ
WITH RULE 26 OF TNRERA RULES
(ORDER IN CCP NO. 85 OF 2020 DATED 31.08.2021 BY HON'BLE
ADJUDICATING OFFICER, TNRERA)
(ORDER IN APPEAL NO. 115 OF 2021 DATED 02.03.2022 BY
HON'BLE TNREAT)**

1. The petitioners filed this execution petition for implementation of the order passed by the Hon'ble Tamil Nadu Real Estate Appellate Tribunal in Appeal No.115 of 2021 dated 02.03.2022 after non-compliance of the same by the respondent.

2. In the appeal order, the respondent was directed to pay the complainants the total amount paid, i.e the amount paid by the complainants are Rs.59,01,248/- with interest upto 30.04.2023 at 10.15% from the date of

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respective payment calculated is Rs.36,95,735/- and litigation cost of Rs.25,000/-(Rs.59,01,248/- + Rs.36,95,735/- + Rs.25,000/- = Rs.96,21,983/-).

3. Since, the amount due to the complainants is Rs.96,21,983/- as per the appeal 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, Chennai District, to collect the same for the satisfaction of the claim under the orders passed in favor of the above complainants.



Sd/- 16.02.2024
SUNIL KUMAR, I.P.S (Retd)
SINGLE MEMBER
TNRERA, CHENNAI