



**BEFORE THE TAMIL NADU REAL ESTATE
REGULATORY AUTHORITY (TNRERA)
(Tamil Nadu, Andaman & Nicobar Islands)
at Egmore, Chennai – 600 008**

[Under the Real Estate (Regulation and Development) Act, 2016]

E.P.No.17/2021 in C.No. 482/2019

29th day of September, 2022

**Coram : Thiru K. Gnanadesikan, I.A.S. (Retired), Chairperson
Er. S. Manohar, Member
Adv. V. Jeyakumar, Member**

Thiru Krishnamurthy Eswaran] Execution Petitioner/
] Complainant

Versus

M/s. Amar Prakash Developers Pvt. Ltd.]
Represented by its Managing Director] Respondent
Thiru Aadarsh Surana]

The above Execution Petition came up for final hearing before this Authority in the presence of Thiru Krishnamurthy Eswaran, party in person and of Mr.Ravichander and Dineshkumar – Counsel for the Respondent and upon hearing the arguments of both the parties, this Authority passes the following:

ORDER

The Execution Petitioner Thiru Krishnamurthy Eswaran has prayed for the execution of the orders passed by this Authority, as the flat was not handed over by the Respondent to the Complainant till date after passing of the Final Order by the this Authority in Complaint No.482 of 2019 dated 30.06.2021.

2. In the Counter Affidavit, the Respondent has submitted that this Authority in its order dated 30.06.2021 in C.No.482/2019 has directed this Respondent to handover possession of the apartment G-211 in Temple Waves project to the Complainant therein before 31.07.2021. In compliance of the same, this Respondent had completed the said apartment and contacted the Complainant herein on several occasions for handing over of the apartment. The repeated attempts on the part of the Respondent herein in approaching the Complainant for handing over of the apartment could be evidenced from the e-mail dated 21.03.2022, addressed to the Complainant by this Respondent, wherein after highlighting the above mentioned repeated attempts on the part of the Respondent herein, this Respondent had called upon the Complainant to collect the keys and possession of his flat failing which it has been informed that the keys will be surrendered before the Authority, subject to its Orders. The Respondent has also stated that it undertakes to surrender the keys before this Authority to show its bonafides. Thus the present execution petition filed by the Complainant herein is bereft of any merits and the same is instituted with malafide intention of harassing this Respondent.

3. In the Rejoinder, the Execution Petitioner has submitted that the Respondent has never contacted nor responded the Complainant's several request either through e-mails or registered letters, telephone nor WhatsApp as per the TNRERA final orders in C.No.482/2019 dated 30.06.2021 in handing over the said apartment. Though they are claiming that they have initiated an e-mail regarding handing over of apartment on 21.03.2022, this is again a wrong statement.

4. This Authority has examined the Complaint, the Counter Affidavit filed by the Respondent Promoter and the Rejoinder filed by the Complainant carefully.

5. The Respondent Promoter has submitted that he has made repeated attempts to approach the Complainant for handing over of the apartment for which he has cited the e-mail dated 21.03.2022 as evidence.

6. However, in the Rejoinder, the Execution Petitioner has refuted the above contention of the Respondent Promoter.

7. Therefore, this Authority directs the Respondent Promoter to hand over the keys of the apartment No.G-211 in Temple Waves project to the Additional Director of this Authority Thiru S.Selvakumar before 30.10.2022.

8. On receipt of keys, the Additional Director Thiru S.Selvakumar shall intimate the Execution Petitioner to come over to the Office of this Authority to receive the keys from the Additional Director of this Authority.

9. With the above directions, this Execution Petition is disposed of.

Sd/-...29.09.2022
MEMBER (M),TNRERA

Sd/-...29.09.2022
MEMBER (J),TNRERA

Sd/-...29.09.2022
CHAIRPERSON,TNRERA

/TRUE COPY/FORWARDED/BY ORDER


ADMINISTRATIVE OFFICER I. C
29.9.22.