



**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.4 of 2021**

**in**

**C.No.306 of 2019**

**30<sup>th</sup> day of December, 2021**

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

Tvl. P.Latha Devi and E.Gani

Execution Petitioners/Complainants

Versus

M/s. Amar Prakash Developers Pvt. Ltd.  
Represented by its MD  
Mr.Aadarsh Surana

Respondent/Respondent

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This Execution Petition came up for final hearing before this Authority in the presence of M/s. R. Prabhakaran, J.Satheesh, M.Karpagam and K.Sindhuja – Counsel for the Execution Petitioner and the Respondent called absent and upon hearing the Execution Petitioners, this Authority passes the following order:

## **FINAL ORDER**

The Respondent Promoter has not filed the Counter Affidavit in spite of being directed to file Counter Affidavit on this Execution Petition in terms of compliance of the orders of this Authority before 30.04.2021 during the hearing held on 15.04.2021. The Counsel for the Respondent Promoter was also present during the hearing on 15.04.2021.

2. In the next hearing on 28.06.2021, neither the Respondent Promoter nor the Counsel for the Respondent was present and the Authority reserved orders on this Execution Petition.

3. In the absence of filing of Affidavit regarding compliance of the orders of this Authority dated 13.08.2020, this Authority allows the prayer of the Execution Petitioners/Complainant Allottees to enforce the orders passed by this Authority dated 13.08.2020 in Complaint No.306 of 2019 under Rule 27 read with Section 40 of the Act.

4. Accordingly, this Authority directs the Respondent Promoter to handover the Apartment No.H-111 in the "Palm Riviera" project at Thirumudivakkam village without further loss of time before 31.01.2022.

5. This Authority also imposes penalty of Rs.1,00,000/- (Rupees One Lakh only) under Section 61 of the Act to be paid by the Respondent Promoter for non compliance of the orders of this Authority dated 13.08.2020 in Complaint No.306 of 2019. This penalty shall be paid by the Respondent Promoter before 31.03.2022.

6. In case, the Respondent Promoter does not handover the flat No.H-111 to the Execution Petitioners/Complainant Allottees completed in all respects before 31.01.2022, this Authority under Rule 27 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 authorises Thiru S.Selvakumar, Additional Director (Operation) of this Authority to take possession of the Flat No.H-111 and handover the same to the Execution Petitioners/Complainant Allottees in "as-is-where-is" condition.

7. The Complainant Allottees/Execution Petitioners are at liberty to complete the flat in all respects as per the Construction Agreement at the risk and cost of the Respondent Promoter.

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

Sd/-...30.12.2021

MEMBER (M), TNRERA


Sd/-...30.12.2021

MEMBER (J), TNRERA

Sd/-...30.12.2021

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

  
ADMINISTRATIVE OFFICER

  
30.12.2021