



**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.8/2022

in

C.No.142/2021

09th day of February, 2023

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

Thiru K. Kumaravel] Execution Petitioner/
] Complainant

Versus

M/s. Amarprakash Developers Pvt. Ltd.] Respondent/Respondent
Represented by its Director]

The above Execution Petition came up for final hearing before this Authority in the presence of M/s.Ralph V.Manohar and R.Ramana – Counsel for the Execution Petitioner/Complainant and of M/s. D. Ravichander - Counsel for Respondent. This Authority passes the following order:

ORDER

The Execution Petitioner has filed this Execution Petition against the Respondent Promoter for non compliance of orders passed by this Authority in Complaint No.142 of 2021 dated 30.12.2021. In this order, this Authority had directed the Respondent Promoter to handover the apartment allotted to the Complainant Allottee completed in all respects before 28.02.2022 without insisting on payment of interest charges to the tune of Rs.5,57,375/- for delayed payments.

2. The Respondent Promoter has not filed any compliance affidavit even though the Counsel for the Respondent Promoter has attended the hearings on 23.06.2022, 25.08.2022 and 28.09.2022.

3. The Counsel for the Execution Petitioner filed an Affidavit during the hearing on 28.09.2022 enclosing photographs depicting the current condition of the apartment allotted to the Complainant. The Execution Petitioner has also mentioned that the flat remains with door broken, door lock damaged, etc. and considering the current condition of the apartment, the Counsel for the Execution Petitioner submitted that the Respondent Promoter may handover the flat in as is where is basis so that the repair works can be done subject to the orders of this Authority at the risk and cost of the Respondent Promoter. The Respondent Promoter was directed to do so and file Compliance Report before 12.10.2022. This has also not been complied with by the Respondent Promoter.

4. Therefore, under Rule 27 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017, this Authority authorizes Thiru S.Selvakumar, Additional Director-1 of this Authority to take possession of the apartment bearing No.I-410 in the 3rd floor of Block No.1, Phase-I of the real estate project "Palm Riviera" to the Complainant allottee before 31.03.2023.

5. The Complainant Allottee is at liberty to undertake necessary repairs to the flat to make it habitable, safe and secure at the risk and cost of the Respondent Promoter.

6. With the above directions, the Execution Petition No.8/2022 in C.No.142/2021 is disposed of.

Sd/-...09.02.2023
MEMBER (M), TNRERA

Sd/-...09.02.2023
MEMBER (J), TNRERA

Sd/-...09.02.2023
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N.  9/2/2023
ADMINISTRATIVE OFFICER

9.2.23