



**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.9/2022 in C.No.216/2021

20th day of April, 2023

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

Thiru A.G. Ranganathan] Execution Petitioner/
] Complainant

Versus

M/s. Selene Estates Ltd. ... Respondent/Respondent

The above Execution Petition came up for final hearing before this Authority in the presence of M/s. R.Ramasubramaniam Raja – Counsel for Execution Petitioner/Complainant and of M/s.A.R.Vishwaram – Counsel for Respondent. This Authority passes the following order:

ORDER

The Execution Petitioner has prayed in this Petition that this Authority may be pleased to execute the Sale Deed in favour of this Execution Petitioner encumbrance free and to impose penalty on the Respondent in accordance with Section 63 of the Real Estate (Regulation and

Development) Act, 2016 for the failure to execute the order issued on 21.05.2022 by this Regulatory Authority in Complainant No.216 of 2021.

2. In the Counter Affidavit filed by the Respondent Promoter in response to the above Execution Petition, the Respondent prayed time until 17.10.2022 to pay the penalty amount as they are arranging funds from various financial institutions. Also the Respondent has submitted that the process to get an NOC from the Financial Institution will be initiated within 90 days.

3. This Authority has examined the Execution Petition, Counter Affidavit filed by the Respondent Promoter and the written submission of arguments filed by the Respondent Promoter carefully.

4. It is seen that the Respondent promoter has sought further time to obtain NOC from the financial institution concerned. Thus it is clear that the Respondent Promoter has not complied with the orders of this Authority in Complaint No.216/2021 dated 21.03.2022 directing the Respondent Promoter to get the charge released from the financial institution concerned in respect of the Apartment D3 – 1803 and execute the sale deed in favour of the Complainant Allottee before 31.05.2022.

5. Therefore, for non compliance of the orders of this Authority, this Authority under Section 63 of the Act imposes a penalty of Rs.5000/- per day during which the default continues which shall cumulatively extend upto Rs.3.5 lakhs.

6. This Authority also directs the Respondent Promoter to get the NOC from the Financial Institution concerned and execute the sale deed in favour of the Allottee without further loss of time.

7. With the above findings and direction, this Execution Petition is disposed of.

Sd/-...20.04.2023

MEMBER (M), TNRERA

Sd/-...20.04.2023

MEMBER (J), TNRERA

Sd/-...20.04.2023

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. Anand
20/4/2023
ADMINISTRATIVE OFFICER

M
20-4-23