



**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.35/2023

in

C.No.130/2020

15th day of December, 2023

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

Thiru T.V. Seetharaman] Execution Petitioner/
] Complainant

Versus

Thiru Y. Gangadhar, Managing Director]
M/s. Ananyakrishnaa Constructions] Respondent/
Private Limited] Respondent

The above Execution Petition came up for final hearing before this Authority in the presence of M/s. N. Ramiah - Counsel for Execution Petitioner/Complainant. The Respondent called absent. This Authority passes the following order:

ORDER

The Execution Petitioner has prayed for enforcement of the following reliefs based on the orders passed by this Authority in Complainant No.130 of 2020 dated 19.08.2021 and the orders in Execution Petition No.7 of 2022 dated 09.02.2023 in the same Complaint No.130 of 2020.

- i. The Authority may be pleased to invoke Section 59(2) under Rule 27 of RERA Act against the Respondent i.e. punishable with imprisonment for a term extendable to three years for the said offence of non registration of the said project, enforce stringent compliance of all the above mentioned directions passed vide Final Orders in E.P.No.7 of 2022 dated 09.02.2023 and thus render justice.
- ii. The Complainant also prays that the Authority may be pleased to enforce Recovery of amount of Rs.6,62,000/- payable to the Complainant as non refundable deposit and arrears of rent up to 10.12.2018 i.e. Rs.4,23,000/- for non furnishing of the flat as per Joint Development Agreement, the expenditure which has already been incurred by the Complainant after a lapse of considerable amount of time as enunciated at para 3(vi) & (vii) i.e. total amount recoverable Rs.10,85,000/- under Rule 26 and 27 of the TNRERA Rules and Section 40(1) of the Act and thus render justice.

2. The Respondent Promoter did not appear during the hearings nor was represented by a Counsel. The Respondent Promoter has also not filed Compliance Affidavit in this regard.

3. Regarding non registration of this real estate project, this Authority has already imposed a penalty of Rs.3 lakhs on the Respondent Promoter under Section 59(1) of the Act to be paid before 30.04.2023 and this has not been complied with by the Respondent Promoter so far.

4. Therefore, this Authority issues recovery warrant under Section 40(1) of the Act read with Rule 26 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 for recovery of Rs.3 lakhs (Rupees Three Lakhs only) from the Respondent Promoter as an arrear of land revenue under the Tamil Nadu Revenue Recovery Act, 1864 by the District Collector, Chennai.

5. On recovery, the District Collector, Chennai shall pay this penalty amount of Rs.3 lakhs (Rupees Three Lakhs only) to this Authority.

6. The Authority also notes that the Respondent Promoter has not paid Rs.6,62,000/- (Rupees Six Lakhs and Sixty Two thousands only) payable to the Execution Petitioner by way of deposit and arrears of rent.

7. Therefore, under Section 40(1) of the Act read with Rule 26 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017, this Authority issues recovery warrant for recovery of Rs.6,62,000/- (Rupees Six Lakhs and Sixty Two thousands only) from the Respondent Promoter as arrear of land revenue under the Tamil Nadu Revenue Recovery Act, 1864 by the District Collector, Chennai.

8. On recovery, the District Collector, Chennai shall pay this sum of Rs.6,62,000/-(Rupees Six Lakhs and Sixty Two thousands only) to the Execution Petitioner.

9. The Execution Petitioner has sought for recovery of Rs.4,23,000/- (Rupees Four Lakhs and Twenty Three thousands only) for non furnishing of the flat as per the Joint Development Agreement, the expenditure of which has already been incurred by the Execution Petitioner.

10. Therefore, under Section 40(1) of the Act read with Rule 26 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017, this Authority issues recovery warrant for recovery of Rs.4,23,000/- (Rupees Four Lakhs and Twenty Three thousands only) from the Respondent Promoter as arrear of land revenue under the Tamil Nadu Revenue Recovery Act, 1864 by the District Collector, Chennai.

11. On recovery, the District Collector, Chennai shall pay this sum of Rs.4,23,000/- (Rupees Four Lakhs and Twenty Three thousands only) to the Execution Petitioner.

12. With these findings and directions, this Execution Petition is disposed of.


Sd/-...15.12.2023
MEMBER (M), TNRERA

Sd/-...15.12.2023
MEMBER (J), TNRERA

Sd/-...15.12.2023
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. 
LAW OFFICER, TNRERA


15.12.23

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