



**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.005/2023 in C.No.140/2020**

**&**

**E.P.No.006/2023 in C.No.141/2020**

**20<sup>th</sup> day of July, 2023**

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

Tvl. Saravana Kumar P. & Mohana C.	E.P.No.5/2023 in C.No.140/2020	] ] ] ]	Execution Petitioners/ Complainants
Tvl. Joseph John Kennedy & Sumathi John Kennedy	E.P.No.6/2023 in C.No.141/2020	] ] ]	

**Versus**

M/s. VGN Property Developers Rep. by its Managing Director Thiru Pratish Vedhappudi	] ] ]	Respondent/ Respondent
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The above Execution Petitions came up for final hearing before this Authority in the presence of M/s. G.Gokul – Counsel for Execution Petitioners/Complainants and of M/s.K.Harishankar – Counsel for Respondent. This Authority passes the following order:

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### **COMMON ORDER**

The Execution Petitioners have filed the above Execution Petitions praying for an order "to execute the order passed by this Authority in C.No.140 & 141 of 2020 dated 19.07.2021 directing the Respondent Promoters to complete the construction of the apartments allotted to the Complainants and other amenities in all respects strictly as per the construction agreement before 31.08.2021 without fail and not charge the interest for the period from 13.02.2018 to 14.02.2019. As the Respondent Promoter has offered to waive the interest as gesture of goodwill on compassionate grounds and not as a matter of right, this Authority urges the Respondent Promoter to consider the same for the periods other than the period of attachment of the assets by Enforcement Directorate".

2. In the Affidavit, the Respondent Promoter in respect of the Execution Petition No.5/2023 in Complaint No.140/2020 has submitted that the Petitioner has been called upon numerous times orally and through e-mail and SMS to take possession of the flat. The Respondent has also stated that they notified the Complainants about receiving the Completion Certificate dated 15.03.2023, of the concerned project. The Respondent has also stated that it had sent several e-mails that they exchanged with the complainants regarding taking possession of the unit. But the

Petitioners for the reasons best known to them have till date not come forward to take the possession of the flat booked by them. The Respondent in compliance with the orders of this Authority has kept the vacant possession of the flat ready for handing over in anticipation that the Petitioners would take the possession at the earliest.

3. In the Affidavit filed in respect of E.P.No.6/2023 in Complaint No.141/2020, the Respondent has submitted that in accordance with the order of this Authority, the possession of the flat booked by the Petitioners were handed over to them to their satisfaction on 27.03.2023 without charging any interest for the period from 13.02.2018 to 14.02.2019.

4. This Authority has examined the Execution Petitions and the compliance affidavits filed by the Respondent Promoter carefully.

5. In respect of E.P.No.5/2023, the Respondent Promoter has stated that the Execution Petitioner/Complainant Allottee was called several times through e-mail and SMS to take possession of the flat.

6. However, the Execution Petitioner/Complainant Allottee has not come forward to take possession of the flat so far.

7. Therefore, this Execution Petition No.5/2023 is dismissed on account of the default of the Complainant Allottee in taking possession of the flat.

8. In respect of E.P.No.6/2023, the Respondent Promoter has stated that the possession of the flat booked by the Complainant allottee was



handed over on 27.03.2023 without charging any interest for the period from 13.02.2018 to 14.02.2019.

9. Accepting the Compliance Affidavit, the Execution Petition No.6/2023 is disposed of.

Sd/-...20.07.2023  
MEMBER (M), TNRERA

Sd/-...20.07.2023  
MEMBER (J), TNRERA

Sd/-...20.07.2023  
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

*N. Anand*  
20/7/2023  
ADMINISTRATIVE OFFICER

*h*  
20-7-23