

**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI**

Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,

Execution Petition No.54 of 2022 in CCP No.297 of 2021

1. Beena Pravin Rajan
2. Pravin Rajan Complainants

Vs.

M/s. VGN Property Developers Private Ltd.,
Rep. by its Managing Director, Pratish Vedhappudi Respondent

Complainants : Party-in-Person.

Respondent : Rep. by Mr. K. Harishankar, Advocate.

Heard on : 28.12.2022

Delivered on : 25.01.2023

**ORDER FOR RECOVERY UNDER SECTION 40(1) OF THE RERA ACT READ
WITH RULE 26 OF TNRERA RULES FOR NON-COMPLIANCE
OF THE ORDER IN THE ABOVE CCP DATED 13.07.2022**

The above petitioners/order holders filed the petition for execution stating that the respondent/debtor has not complied with the order passed in the above CCP filed by them.

2. In the counter of the respondent, it is contented that the petitioners signed no claim letter while taking possession of the flat and sought to attach the property with various third party interests and the execution sought exceeds the scope of the decree and similar order of attachment of the entire property after intervening of third party interests have been stayed by the Hon'ble High Court of Madras in the proceedings by the respondent and therefore the Execution Petition is liable to be dismissed.

TRUE COPY

As
25/1/23

3. By the order dated 13.07.2022, this Forum directed the respondent to pay the compensation and cost within 30 days from the date of issue of the order. The respondent has filed encumbrance certificates with regard to the flat sold to third parties. The petitioners sought for realization of the amount due by way of attachment and sale of unsold housing units in the project specified i.e. VGN Fairmont. Nowhere in their counter, the respondent stated that all the flats in the project were sold out. Hence there is no restriction to realize the amount from the unsold housing units in the project. Therefore all the contentions raised by the respondent are liable to be rejected.

4. Since the amounts due to the petitioners/order holders under the order is to be recovered as arrears as land revenue, it is just and necessary to issue warrant under section 40(1) of the RERA Act read with Rule 26 of the TNRERA Rules. The EP is disposed accordingly.

In the result, it is ordered as follows:

Issue recovery warrant under section 40 (1) of the RERA Act read with Rule 26 of TNRERA Rules and send it to the District Collector, Chennai District to collect the same to satisfy the claims under the order passed in favor of the above petitioners/order holders.

Sd/- 25.01.2023
G. SARAVANAN
ADJUDICATING OFFICER
TNRERA, CHENNAI.

