ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 3483 ಪುಟ ಸಂಖ್ಯೆ 07

ವಿಷಯ Gauri Shankara Singh

Mantri Webcity Phase - 2.

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು	

Execution Order

Dated: 27.01.2021

CMP 3483

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Gauri Shankar Singh who is the buyer in the project under "Mantri Webcity Phase-2" which is developed by "Mantri Developers Pvt. Ltd.," This complaint was filed by the complainant claiming refund. After hearing the parties, order was passed on 22/05/2020 by directing the developer to return Rs.8,56,068/- to the complainant the developer is hereby directed to pay simple interest @ 9% per annum on the respective amount paid on the respective dates till 30/04/2017 and @ 2 above the MCLR of SBI as on today on the respective amount paid by the complainant commencing from 01/05/2017 till the realization of the entire amount.

The developer shall pay Rs.5000/- as cost of the petition.

The complainant has calculated the amount paid by him. According to him he had paid R.1,00,000/- on 05/09/2015 with interest @ 9% p.a. on the said amount paid by him from 05/09/2015 to 30/04/2017 which comes to Rs.14,875/-.

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ವಿಷಯ Gowri Shanker Singh

Mantri velocity Phase-2

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು	

The complainant has calculated the amount paid by him. According to him he had paid Rs.7,56,068/- on 10/11/2017 with interest @ 9% p.a. on the said amount paid by him from 10/11/2017 to 30/04/2017 which comes to Rs.1,00,179/-.

The complainant has calculated the amount paid by him was on 10/11/2017 is Rs.8,56,068/-with interest @ 10.5% per annum above the MCLR of SBI on the said amount paid by him from 01/05/2017 to 24/12/2020 which comes to Rs.3,27,837/-.

Therefore the total interest payable by the developer from 01/04/2015 to till 30/11/2020 Rs.1,15,054+3,27,837=04,42,891/-.

He had paid Rs.51,29,050/- for home loan and EMI's paid by him from 10-12-2015 to 10-11-2019 is Rs.25,35,546/-.

Total amount due from the developer is Rs. 8,56,068/-+1,15,054/-+3,27,837/- +51,29,050/- +25,35,546/- +5000/- which comes total Rs.89,68,555/-.

The complainant has given a representation with memo of calculation since the developer failed to comply with the same. There is no appeal. Objections called for but not filed.

As per Rule 25 of the Karnataka Real Estate (Regulation and Development) Rules, 2017 the

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recovery of the amount due is to be considered as arrears of land revenue. In support of the same the authority is taking the shelter under Section 40 of the RERA Act which reads as follows;

> *Sec 40(1): "if a promoter or an allottee of a real estate agent, as the case may be, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the regulatory authority or the appellate authority, as the case may be, under this Act or the rules and regulations made there under, it shall be recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue"*

When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 09/03/2020 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following

ORDER

11) By acting under Section 40(1) of the RERA Act, read with Rule 25, the amount payable of Rs.89,68,555/- .which is treated as arrears of land revenue from the

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ವಿಷಯ Gowri Shankara Singh
Mantri Webcity Phase-2

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developer "Mantri Developers Pvt. Ltd.," and the same has to be recovered by sending the file to Deputy Commissioner for recovery as arrears of land revenue. The same amount shall be deposited in the office Account.

The above amount has been calculated up 24/12/2020.

Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs.8,56,068/- @10.5% p.a. simple interest whenever it falls due, from 25.12.2020 to till realization.

b. The developer shall discharge the future bank loan amount whenever it falls due.

(I.F BIDIRI)
Adjudicating Officer