



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 2684

ಪುಟ ಸಂಖ್ಯೆ 10

ವಿಷಯ Sweety Gupta  
Mantri webcity 2A

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ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

### Execution Order:

Dated : 01.02.2021

### CMP 2684

Complaint under Section 31 of RERA Act has been initiated by the complainant Mrs. Sweety Gupta who is the buyer in the project under "Mantri webcity 2A" which is developed by "Mantri Developers Pvt. Ltd.," This complaint was filed by the complainant claiming Refund of amount. After hearing the parties, order was passed on 06/12/2019 by directing the developer to return the amount of Rs.6,98,528/- together interest @ 2% above the MCLR of SBI on its home loan as on today commencing from today.

The developer is hereby directed to pay 2x amount of Rs.6,98,528/-.

The developer is also directed to pay Rs.5,000/- as cost of this petition.

The developer also directed to pay interest @ 2% above the MCLR of SBI on the total amount paid by him from 06/12/2019. Now the complainant calculated @  $8.2\% + 2\% = 10.20$  on the total amount of Rs.6,98,528/-. From 06/12/2019 till 31/12/2020 which total comes to Rs.76,520/-





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Therefore the total interest payable by the developer from 06/12/2019 to till 31/12/2020 is Rs.76,520/-

He has paid Rs.48,80,049/- for Home Loan and EMI.

Therefore the total amount due from the developer is Rs.76,520/- +13,97,056/- +48,80,049/- +5000/- which total comes Rs.63,58,625/-.

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 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*





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*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 06/12/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following.

14)

## ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. Rs.63,58,625/- which is treated as arrears of land revenue from the 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 till the end of December 2020.

Office is hereby directed to mention in the recovery warrant



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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Mantra webcity 2A.

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	<p>a. As to the recovery of future interest on the amount of Rs. <u>6,98,528/-</u> @10.20% p.a. whenever it falls due, from 1<sup>st</sup> January 2021 to till realization.</p> <p>b. The developer shall discharge the future bank loan amount whenever it falls due.</p> <p>(I.F. BIDIRI) Adjudicating Officer</p>