



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 4638

ಪುಟ ಸಂಖ್ಯೆ 8

ವಿಷಯ Rubi Uddin

Garden Recidency

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ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date : 03.02.2021

Execution Order

CMP:4638

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Rubi Uddin who is the buyer under the project "Garden Recidency" which is developed by "I T Estates" This complaint was filed by the complainant seeking for the refund of the amount. After hearing the parties, order was passed on 22/05/2020 by directing the developer to pay Rs.5,20,000/- the developer is hereby directed to pay interest @2% above the MCLR of SBI commencing as on today from 30/06/2018 to till the realization of entire amount.

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

The complainant has calculated the total amount paid by him was on 30/06/2018 is Rs.5,20,000/,-with interest @9.55% per annum above the MCLR of SBI on the said amount paid by him from 30/06/2018 to 28/12/2020 which comes to Rs.1,24,218/-.

Therefore the total interest payable by the developer from 30/06/2018 to till 28/12/2020 Rs.1,24,218/-.



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He has paid for Home Loan is Rs.20,10,403/- EMI paid June 2018 to Nov 2019 is Rs.2,50,643/- which total comes is Rs.22,61,046/-.

He also paid Rs.21,639/- towards home loan charges.

Total amount due from the developer is which comes to Rs.5,20,000/- +1,24,218/- +22,61,046/- +21,639+5000/- which comes total amount Rs.29,31,903/-.

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 developer 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



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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 22/05/2020 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following

ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.29,31,903/- which is treated as arrears of land revenue from the developer "I T Estates" 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 28/12/2020.

Office is hereby directed to mention in the recovery warrant



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a. As to the recovery of future interest on the amount of Rs.5,20,000/- @ 9.55% p.a. simple interest whenever it falls due, from 29.12.2020 to till realization.

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


(I.F. BIDIRI)
Adjudicating Officer