



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 4166

ಪುಟ ಸಂಖ್ಯೆ 4

ವಿಷಯ Anita Mohan Nayak  
Green Phase -2.

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

03.03.2021

Execution Order

CMP:4166

Complaint under Section 31 of RERA Act has been initiated by the complainant Smt. Anita Mohan Nayak who is the buyer under the project "Green Phase-2" which is developed by "Sanchaya Land & Estate Pvt. Ltd.," This complaint was filed by the complainant seeking for the refund of the amount. After hearing the parties, order was passed on 16/12/2019 by directing the developer to pay Rs.8,93,755/- the developer is hereby directed to pay interest @9% per annum on the respective amount paid on the respective date till 30/04/2017 and simple interest @2% above the MCLR of SBI commencing as on today from 01/05/2017 to till the realization of entire amount.

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

According to him as on 15/02/2014 he had paid Rs.3,00,000/-. For which he has calculated the interest @ 9% for annum from 15/02/2014 till 30/04/2017 @ 9% for annum which comes as Rs.86,625/-.

According to him as on 18/02/2014 he had paid Rs.1,84,895/-. For which he has calculated





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ಕಡತದ ಸಂಖ್ಯೆ 4166

ಪುಟ ಸಂಖ್ಯೆ 05

ವಿಷಯ Anila Mahas Nayak  
Green Phase - 2

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the interest @ 9% for annum from 18/02/2014 till 30/04/2017 @ 9% for annum which comes as Rs.52,695/-.

According to him as on 18/04/2014 he had paid Rs.56,775/-. For which he has calculated the interest @ 9% for annum from 18/04/2014 till 30/04/2017 @ 9% for annum which comes as Rs.15,330/-.

According to him as on 18/09/2014 he had paid Rs.1,89,584/-. For which he has calculated the interest @ 9% for annum from 18/09/2014 till 30/04/2017 @ 9% for annum which comes as Rs.45,500/-.

According to him as on 08/04/2016 he had paid Rs.1,62,755/-. For which he has calculated the interest @ 9% for annum from 08/04/2016 till 30/04/2017 @ 9% for annum which comes as Rs.14,648/-.

The complainant has calculated the total amount paid by him was on 01/05/2017 is Rs.8,93,755/, with interest @ 10.20% per annum above the MCLR of SBI on the said amount paid by him from 01/05/2017 to 30/01/2021 which comes to Rs.3,42,423/-





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ಕಡತದ ಸಂಖ್ಯೆ 4166

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ವಿಷಯ Anita Mohan Nayak

Green phase - 2

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Therefore the total interest payable by the developer from 15/02/2014 to till 30/01/2021 Rs.5,57,221/-.

Total amount due from the developer is which comes to Rs.8,93,755/- + 5,57,221/- +5000/- which comes total amount Rs.14,55,976/-.

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 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*





# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 4166

ಪುಟ ಸಂಖ್ಯೆ 07

ವಿಷಯ Anila Mohan Nayak  
Green Phase - 2.

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6)	<p>allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue"</p> <p>When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 16/12/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following</p> <p><b><u>ORDER</u></b></p> <p>By acting under Section 40(1) of the RERA Act, read with Rule 25, the amount payable of Rs.14,55,976/- which is treated as arrears of land revenue from the developer "Sanchaya Land &amp; Estate 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.</p> <p>The above amount has been calculated up 30/01/2021.</p> <p>Office is hereby directed to mention in the recovery warrant</p> <p>a. As to the recovery of future interest on the amount of Rs.8,93,755/- @10.20% p.a. simple interest whenever it falls due, from 01.02.2021 to till realization.</p> <p>(I.F BIDIRI) Adjudicating Officer</p> <p>7) Under Secretary</p> <p>07/02/2021 56828)</p>