



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ Comp-1032

ಪುಟ ಸಂಖ್ಯೆ 05

ವಿಷಯ Ashwini N.

Nitesh Melbourne Park

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ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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A complaint under Section 31 of RERA Act has been initiated by the complainant Ashwini. N who is the customer under the project "Nitesh Melbourne Park" which is developed by "Nitesh Estates Ltd.,". This complaint was filed by the complainant claiming refund of consideration amount along with interest as the developer has failed to complete the project on time. After hearing the parties order was passed on 06/09/2018 directing the developer to refund Rs. 22,11,447/- within 1 month, if not it will carry interest 10.25% .

But as on date the developer has not made any attempt to honour the order dated 06/09/2018. Hence, the complainant has given a representation on 13/11/2018 to this authority to take action against the developer for recovery of the remaining amount.

On the basis of the representation, notice was issued to the developer to appear before Adjudicating Officer. Accordingly one Sri Shivaraj has appeared but failed to refund the amount. So, the complainant has requested the authority to take further action against the developer as he has failed to comply the order dated 06/09/2018.



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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 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 06/09/2018 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-



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ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.22,11,447/- to the complainant is treated as arrears of land revenue from Nitesh Estates 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 recovered in the name of the complainant Ashwini . N.

Adjudicating Officer