



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 2137

ಪುಟ ಸಂಖ್ಯೆ 07

ವಿಷಯ Shyam Shetty
Provident Sunworth

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
	<p>Date : 16.02.2021 EXECUTION ORDER : CMP 2137</p> <p>Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. H Shyama Shetty who is the buyer under the project "Provident Sunworth" which is developed by "M/s Provident Housing Pvt. Ltd.," This complaint was filed by the complainant seeking delay compensation. After hearing the parties, order was passed on 30/09/2020 by directing the developer to return Rs.6,84,494/- to the complainant within 60 days from today. If not it will be carry interest @ 2% above the MCLR of SBI from 30/11/2020 till the realization of entire amount.</p> <p>Therefore the complainant calculated interest @ 2% above the MCLR of SBI on the total amount paid by him from 30/11/2020 @ $7.30+2\%=9.30\%$ on the total amount of Rs.6,84,494/-. From 30/11/2020 till 10/02/2020 which total comes to Rs.12,731/-</p> <p>Therefore the total interest payable by the developer from 30/11/2020 to till 10/02/2020 is Rs. 12,731/-.</p> <p>Total amount due from the developer is Rs.6,97,225/-.</p>



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Procedent Suresh

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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 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 30/09/2020 considering this amount as arrears of land revenue and has to be recovered from the developer



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ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.6,97,225/- which is treated as arrears of land revenue from the developer "M/s Provident Housing 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 10th February 2021.

- As to the recovery of future interest on the amount of Rs.6,84,494/- @9.30% p.a. simple interest whenever it falls due, from 11.02.2021 to till realization.


(I.F. BIDIRI)

Adjudicating Officer