



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 3498

ಪುಟ ಸಂಖ್ಯೆ 05

ವಿಷಯ

Satyakam Vashistha Vs. Mantri Manyata Lithos

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

**Date: 19.03.2021**

**Execution Order:**

**CMP 3498**

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.Satyakam Vashistha who is the buyer under the project "Mantri Manyata Lithos" which is developed by "Mantri Technology Constellations Pvt. Ltd.," This complaint was filed by the complainant claiming Delay Compensation. After hearing the parties, order was passed on 29/01/2020 by directing the developer to pay interest @ 2% above the MCLR of SBI commencing from 01/08/2017 till possession is delivered after obtaining Occupancy certificate with all amenities.

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

The complainant has calculated for the amount paid by him was on Rs.74,62,779/,-with interest @10.75% p.a. on the said amount paid by him commencing from 01/08/2017 to 31/12/2020 which totally comes to Rs.27,91,826/-.

Total amount due from the developer is Rs.27,91,826/- +5000/- which comes to Rs.27,96,826/-.



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ಕಡತದ ಸಂಖ್ಯೆ 3498

ಪುಟ ಸಂಖ್ಯೆ 06

ವಿಷಯ Salyabann Vashistha  
Member, Manyata Lithos

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 29/01/2020 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following



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ಕಡತದ ಸಂಖ್ಯೆ 3498

ಮುಖ್ಯ ಸಂಖ್ಯೆ .....

ವಿಷಯ Satyakam Vasudhaya  
Mantra Manyaaba Lihos

ಕಂಡಿಕೆ  
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ಟಿಪ್ಪಣಿ ಮತ್ತು ಅದೇಶಗಳು

### ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.27,96,826/- which is treated as arrears of land revenue from the developer "Mantri Technology Constellations 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.

Office is hereby directed to mention in the recovery warrant

- a. As to the recovery of future interest on the amount of Rs.74,62,779/- @10.75% p.a. whenever it falls due, from 01/01/2021 to till realization.

  
(I.F. BIDARI)  
Adjudicating Officer



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ಕಡತದ ಸಂಖ್ಯೆ .....

ಪುಟ ಸಂಖ್ಯೆ .....

ವಿಷಯ .....

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು