ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP-4517 ಪುಟ ಸಂಖ್ಯೆ 06

ವಿಷಯ Santosh Kumar VPA
Skyline Project

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು	

Date : 09.02.2021
Execution Order :
CMP 4517

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Santosh Kumar VPA who is the buyer under the project "Skyline Project" which is developed by "M/s Skyline Constructions & Housing Pvt. Ltd.," This complaint was filed by the complainant claiming refund. After hearing the parties, order was passed on 02/03/2020 by directing the developer to refund the amount of Rs.9,76,500/- together with simple interest @ 9% per annum on the respective amount paid on the respective dates till 30/04/2017 and @ 2 above the MCLR of SBI commencing from 01/05/2017 till the realization of entire amount.

The complainant has calculated the amount paid by him. According to him from 10th February 2012 to 30th April 2013 he had paid total amount to the builder is Rs.9,76,500/- from 10th February 2012 to 30/04/2017 he as calculated on the respective amount paid on respective dates with interest of @ 9% per annum on the said amount, which interest totally comes to Rs.4,31,735/-.

The complainant has calculated the amount paid by him was on 01/05/2017 is Rs.9,76,500/,with interest @ 10.15% per annum above the MCLR of SBI on the said amount paid by him from 01/05/2017 to 31/12/2020 which comes to Rs.3,63,873/-.

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 4517 ಪುಟ ಸಂಖ್ಯೆ 07

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Therefore the total interest payable by the developer from 10/02/2012 to till 31/12/2020 Rs.4,31,735+3,63,873=7,95,608/-.

He has paid towards home loan and outstanding home loan amount till December 2020 is Rs.53,55,487/-.

Total amount due from the developer is Rs.9,76,500/- +7,95,608/- +53,55,487/- which comes total amount Rs.71,27,596/-.

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"*

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 4517 ಪುಟ ಸಂಖ್ಯೆ 08

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ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು	
	When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 02/03/2020 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following	
	ORDER	
08	By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.71,27,596/- .which is treated as arrears of land revenue from the developer "M/s Skyline Constructions & 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 up 31/12/2020.	
	Office is hereby directed to mention in the recovery warrant	
	a. As to the recovery of future interest on the amount of Rs.9,76,500/- @10.15% p.a. simple interest whenever it falls due, from 1st January 2021 to till realization.	
	b. The developer shall discharge the future bank loan amount whenever it falls due.	
	(I.F BIDIRI) Adjudicating Officer	