



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 3880

ಪುಟ ಸಂಖ್ಯೆ 4

ವಿಷಯ Mrs. Bharathi Rudrappa

..... G.M. Infinite Ambitions

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ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಅಡೇಶಗಳು

Date : 18.02.2021

Execution Order :

CMP 3880

Complaint under Section 31 of RERA Act has been initiated by the complainant Mrs.Bharathi Rudrappa Naragunda who is the buyer under the project "GM Infinite Ambitions Enclave" which is developed by "Allam Infinite India Pvt. Ltd.," This complaint was filed by the complainant claiming refund. After hearing the parties, order was passed on 03/03/2020 by directing the developer to refund the amount of Rs.4,10,000/- together @ 2 above the MCLR of SBI from on the respective amount paid on the respective dates till the realization of entire amount.

The developer is also directed to pay Rs.5000/- as cost of the petition.

The complainant has calculated the amount paid by him was on 24/11/2018 is Rs.10,000/ ,with interest @ 10.60% per annum above the MCLR of SBI on the said amount paid by him from 24/11/2018 to 01/01/2021 which comes to Rs.2227/-.

The complainant has calculated the amount paid by him was on 05/12/2018 is Rs.2,00,000/ ,with interest @ 10.60% per annum above the MCLR of SBI on the said amount paid by him from 05/12/2018 to 01/01/2021 which comes to Rs.44,176/-.

The complainant has calculated the amount paid by him was on 11/12/2018 is Rs.2,00,000/ ,with



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Mrs Bharathi Redraspe

Com. Infinite Ambitions

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interest @ 10.60% per annum above the MCLR of SBI on the said amount paid by him from 11/12/2018 to 01/01/2021 which comes to Rs.43,825/-.

Therefore the total interest payable by the developer from 24/11/2018 to till 01/01/2021 is Rs.90,229/-.

Total amount due from the developer is Rs.4,10,000/- +90,229/- +5000/- which comes total amount Rs.5,05,229/-.

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



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ವಿಷಯ Mrs. Bheerali Rudrappa

E.M. Infinite Ambition

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*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 03/03/2020 considering this amount as
arrears of land revenue and has to be recovered
from the developer. Hence the following

ORDER

By acting under Section 40 of the RERA Act,
read with Rule 25, the amount payable of
Rs.5,05,229/- which is treated as arrears of land
revenue from the developer "Allam Infinite India
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
01/01/2021.

Office is hereby directed to mention in the
recovery warrant

- As to the recovery of future interest on the
amount of Rs.59,19,581/- @10.60% p.a.
simple interest whenever it falls due, from
2nd January 2021 to till realization.

(I.F BIDIRI)

Adjudicating Officer

7) Under Secretary

19/01/2021

566/2021)