

Execution Order :

CMP 909

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.Raghavendra S Dixit who is the buyer under the project “Vasathi Avante” which is developed by “M/s Vasathi Housing Limited.,” This complaint was filed by the complainant claiming delay compensation. After hearing the parties, order was passed on 27/11/2018 by directing the developer to pay delay compensation @10.25% interest from September 2017 till the possession is delivered.

The complainant has calculated the amount paid by him is Rs.55,04,470/- from 01/09/2017 with interest of @10.25% per annum on the said amount till 30/06/2021 which interest totally comes to Rs.19,74,726/-.

Therefore the total interest payable by the developer from from 01/09/2017 to till 30/06/2021 Rs.19,74,726/-.

Total amount due from the developer is Rs.19,74,726/-.

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 27/11/2018 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.19,74,726/- which is treated as arrears of land revenue from the developer "M/s Vasathi Housing Limited.," 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 30/06/2021.

Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs.55,04,470/- @10.25% p.a. simple interest whenever it falls due, from 01/07/2021 to till realization.

(I.F BIDIRI)

Adjudicating Officer