



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ Comp: 268

ಪುಟ ಸಂಖ್ಯೆ 15

ವಿಷಯ Execution of Complaint No: 268

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
21)	Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Sumit Baluja who is the consumer under the project "Nitesh Cape Cod Phase 1" which is developed by "Nitesh Urban Development Pvt. Ltd.". This complaint was filed by the complainant claiming Refund of amount as the developer has failed to complete the project as agreed. After hearing the parties an order was passed on 31/05/2018 directing the developer to refund amount of Rs. 37,85,855/- along with interest @10.50% from 11/9/2017 till the realization of full amount.
22)	The complainant has given a representation on 8/8/2018 to this authority to take action against the developer for recovery of the said amount.
23)	On the basis of the representation, notice was issued to the developer to appear before Adjudicating Officer on 27/8/2018. Mr. Shivraj representing the developer was present and sought time to comply with the order. Hence the matter was called on 7/09/2018, on which none were present. On 17/9/2018, when the case was called Mr. Shivraj sought time as they want opt for an appeal. Hence the matter was posted to 30/10/2018, but none were present on behalf of developer. Therefore, the complainant requested the authority for executing the order.
24)	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



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25)	<p>Authority is taking the shelter under Section 40 of the RERA Act which reads as follows;</p> <p><u>Sec 40(1):</u> "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"</p>
26)	<p>As per Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 31/5/2018 by considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-</p>
27)	<p><u>ORDER</u></p> <p>By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 42,44,359/- to the complainant, is treated as arrears of land revenue from the developer Nitesh Urban Development 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 recovered in the name of the complainant Mr. Sumit Baluja.</p>
28)	<p><i>Under Sec 40 put up immediately.</i></p> <p><i>May 16/11</i></p>
29)	<p><i>Rex)</i></p> <p><i>Adjudicating Officer</i></p>