



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 17176

ಪುಟ ಸಂಖ್ಯೆ 7

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
14.	<p>Complaint under Section 31 of RERA Act has been initiated by the complainant Jyothiprava Misra who is the consumer under the project "Skylark Ithaca" which is developed by "Ithaca Estates Private Limited.," This complaint was filed by the complainant claiming to Exit Option, Amount repayable cancel RERA reg. After hearing the parties, order was passed on 18/03/2019 The developer is directed to return full amount of Rs.3,80,805/- to the complainant along with interest @ 9% P.A. for the respective amount paid on respective date prior to April 2017 and interest @ 10.75% P.A. from 01/05/2017 till the realization of full amount. The developer is also to discharge loan amount of Rs. 26,67,664/- along with all the EMI and interest, if any. The developer shall deduct the GST amount out of the amount payable to complainant and hand over the necessary documents to the complainant in case he has paid GST to the Government to enable the complainant to claim that amount. The complainant is hereby directed to execute the cancellation deed in favor of the Developer after the entire amount has been realized. Rs. 5,000/- to be paid as cost of the petition by the developer.</p> <p>The complainant has given a representation on 28/01/2020 to this authority to take action against the developer for recovery of the said amount since the developer failed to comply with the order.</p> <p>On the basis of the representation, notice was issued to the developer to appear before the Adjudicating Officer on 11/02/2020, the complainant was not present and the developer was present and failed to return the amount Therefore, the matter was posted for orders.</p> <p>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</p>



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 1716

ಪುಟ ಸಂಖ್ಯೆ 8

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 18/03/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-

ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.34,71,528/- which treated as arrears of land revenue from the developer "Ithaca Estates Private 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 bearing Account.

Adjudicating Officer

[Signature]
01/04/2019