



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ ..... 4296

ಪುಟ ಸಂಖ್ಯೆ ..... 5

ವಿಷಯ ..... Madhu Garg

Kanaka Recidency

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

**Dt. 21.06.2021**

**Execution Order :**

**CMP 4296**

Complaint under Section 31 of RERA Act has been initiated by the complainant Miss.Madhu Garg who is the buyer under the project "Kanaka Recidency" which is developed by "Sri. Ramesh Chandra Jain" This complaint was filed by the complainant claiming refund. After hearing the parties, order was passed on 08/03/2021 by directing the developer to refund the amount of Rs.40,50,000/- with @ 2% above the MCLR of SBI on the said amount to the complainant, commencing from 03/05/2018 till the payment of entire amount.

The respondent is directed to pay Rs.1,0,000/- without interest to the complainant as compensation towards mental pain & agony.

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

The complainant has calculated the amount paid by him was on 03/05/2018 is Rs.40,50,000/.,with interest @9.3% per annum above the MCLR of SBI on the said amount paid by him from 03/05/2018 to 18/05/2021 which comes to Rs.12,69,098/-.

Therefore the total interest payable by the developer from 03/05/2018 to till 18/05/2021 is Rs.12,69,098/-.





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ಕಡತದ ಸಂಖ್ಯೆ 6296

ಪುಟ ಸಂಖ್ಯೆ 6

ವಿಷಯ

Madhu Gore  
Karnataka Real Estate

ಕಂಡಿಕೆ  
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ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Total amount due from the developer is which comes to Rs.40,50,000/- +12,69,098/- +1,00,000/- +5000/- which comes total amount Rs.54,24,098/-.

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 18/03/2021 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following.



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 4296

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Kannaka Residence

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### ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.54,24,098/- which is treated as arrears of land revenue from the developer "Sri. Ramesh Chandra Jain" 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 18/05/2021.

Office is hereby directed to mention in the recovery warrant

- a. As to the recovery of future interest on the amount of Rs.45,50,000/- @9.3% p.a. simple interest whenever it falls due, from 19/05/2021 to till realization.

*(Signature)*

(I.F. BIDIRI)

Adjudicating Officer