



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಅದೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Col NA Mudakatte whois the consumer under the project "Pashmina Brookwoods" which is developed by "Shaswati Realty Pvt. Ltd," This complaint was filed by the complainant claiming to direct the builder delay compensation. After hearing the parties, order was passed on 14/05/2019 by directing the developer to pay the delay compensation on amount paid by each of the complainant as per the schedule annexed here with @9% commencing for the month of March and April 2017 also @ 10.75% P.A. commencing from the May 2017 till the possession is delivered.

The complainant has given a representation on 19/08/2019 to this authority to take action against the developer for recovery of the said amount since the developer failed to comply with the order.

On the basis of the representation, notice was issued to the developer to appear before the Adjudicating Officer on 5/9/2019the complainant was present but developer remained absent posted on 25/09/2019 that day the complainant was present and filed memo of calculation but developer failed to give delay compensation. Therefore, the matter was posted for orders.

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



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ಕಡತದ ಸಂಖ್ಯೆ ..... CM.P.1794

ಪುಟ ಸಂಖ್ಯೆ ..... 03

ವಿಷಯ ..... Regarding Execution of Order

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	<p>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> <p>When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 14/05/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-</p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 1,93,52,825/- which treated as arrears of land revenue from the developer "Shaswati Realty 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 bearing Account. (for attachment of property the E-mail copy is attached with this order)</p> <p style="text-align: right;">Adjudicating Officer <i>[Signature]</i></p>