



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 1184

ಪುಟ ಸಂಖ್ಯೆ 6

ವಿಷಯ *Regarding Execution of Order*

| ಕಂಡಿಕೆ ಸಂಖ್ಯೆ | ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು |
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| | <p>Complaint under Section 31 of RERA Act has been initiated by the complainant Anil Bhagwan Hingorani who is the consumer under the project "Nitesh Melbourne Park" which is developed by "Nitesh Estate Pvt.Ltd.," This complaint was filed by the complainant claiming refund of money. After hearing the parties, order was passed on 09/10/2018 by directing the developer to pay amount of Rs. 4,00,000 if developer fails to give then it will carry simple interest @10.75% on the total amount paid by the complainant till realization of full amount .</p> <p>The complainant has given a representation on 16/05/2019 to this authority to take action against the developer for recovery of the said amount since the developer failed to comply with the order.</p> <p>On the basis of the representation, notice was issued to the developer to appear before the Adjudicating Officer on 17/7/2019, both the parties were present the developer has given check dated 31/8/2019 so case was called on 2/9/2019 on that day the complainant was present but the developer remained absent finally case was called on 5/9/2019 the developer 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> |



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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 9/10/2019 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.4,15,838/-which treated as arrears of land revenue from the developer "Nitesh Estate 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.

Adjudicating Officer