



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 3083

ಪುಟ ಸಂಖ್ಯೆ 6

ವಿಷಯ Shahid Iqbal

Golden panorama

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Execution Order:

CMP 3083

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.Shahid Iqbal who is the buyer under the project "Golden Panorama" which is developed by "Golden Gate Properties Limited.," This complaint was filed by the complainant claiming delay compensation. After hearing the parties, order was passed on 09/08/2019 by directing the developer to pay delay compensation @9% per annum on the respective amount commencing from November 2016 till 30/04/2017 and @10.75% on the total amount paid by him commencing from 01/05/2017 till flat is officially handed over to the complainant.

The developer is also directed to pay Rs.5000/- as cost of this case.

The complainant has calculated the total amount paid by him was on 01/11/2016 is Rs.46,66,685/- from 01/11/2016 to 30/04/2017 with interest of @9% per annum on the said amount which interest totally comes to Rs.2,07,124/-.

The complainant has calculated the amount paid by him from 01/05/2017 is Rs.46,66,685/,-with interest @10.75% per annum above the MCLR of SBI on the said amount paid by him from 01/05/2017 to 31/01/2021 which comes to Rs.18,84,350/-.



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ಪುಟ ಸಂಖ್ಯೆ 7

ವಿಷಯ Shahid Iqbal

Golden penonamu

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
	<p>Therefore the total interest payable by the developer from 01/11/2016 to 31/01/2021 is Rs.20,91,474/-.</p> <p>Total amount due from the developer is Rs.20,96,474/-.</p> <p>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.</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 taking the shelter under Section 40 of the RERA Act which reads as follows;</p> <p><i>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"</i></p> <p>When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 23/11/2020 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following</p>



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ವಿಷಯ Shalid Iqbal

Golden panorama

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ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. Rs.20,96,474/-. Which is treated as arrears of land revenue from the developer "Golden Gate Properties 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 Account.

The above amount has been calculated up to 31/01/2021.

Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs.46,66,685/-@10.75% p.a. simple interest whenever it falls due, from 01/02/2021 to till realization.

(I.F. BIDIRI)

Adjudicating Officer



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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