



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 4513

ಪುಟ ಸಂಖ್ಯೆ 5

ವಿಷಯ Mahatesh R. Gundali

Nitesh Melbourne park

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

**Date: 04/09/2021**

**Execution Order:**

**CMP 4513**

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.Mahatesh R Gundali who is the buyer under the project "Nitesh Melbourne Park" which is developed by "NHDPL Properties Private Limited,." This complaint was filed by the complainant claiming refund of the amount. After hearing the parties, order was passed on 18/03/2020 by directing the developer to refund Rs.8,29,015/- to complainant and pay simple interest @2% above the MCLR of SBI as on today on the said amount from the date of payment till the realization.

The developer is hereby directed to pay GST amount of Rs.3,70,985/- to the complainant with a direction to take back the same from the concerned department.

The developer shall pay Rs.5000/- as cost of the petition.

The complainant has calculated the amount paid by him. According to him he had paid Rs.8,29,01501/- on 01/09/2017 with interest @10.65% p.a. above the MCLR of SBI on the said amount paid by him from 01/09/2017 to 03/09/2021 which comes to Rs.2,02,071/-.



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	<p>Therefore the total interest payable by the d/veloper from 01/09/2017 to till 03/09/2021 Rs.2,02,071/-</p> <p>He had paid Rs.20,97,826/- towards home loan and outstanding Loan amount is Rs.1,24,602/- and total interest paid towards home loan is Rs.6,08,569/-.</p> <p>Therefore the total amount due from the developer is Rs.44,08,999/-</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>



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ಕಡತದ ಸಂಖ್ಯೆ 4513

ಪುಟ ಸಂಖ್ಯೆ 7

ವಿಷಯ Mahafesh R Cundali  
Nitesh Melbourne Park

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When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 18/03/2020 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following

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## ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.44,08,999/- .which is treated as arrears of land revenue from the developer "NHDPL Properties 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 Account.

The above amount has been calculated up 03/09/2021.

Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs.8,29,015/- @10.65% p.a. simple interest whenever it falls due, from 4/09/2021 to till realization.

  
(I F BIDARI)  
Adjudicating Officer

11/ Under Secretary.



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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