



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 3079

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ Samanth Kumar

Green Mile

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Execution Order:

CMP 3079

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.SHAMANTH KUMAR B N who is the buyer under the project "Green Mile" which is developed by "Roopa Infra projects (India) Pvt.Ltd.," This complaint was filed by the complainant claiming refund of the amount. After hearing the parties, order was passed on 13/03/2020 by directing the developer to refund the amount Rs.8,00,000/- together simple interest @9% per annum till April 2017 and simple interest @2% above the MCLR of SBI till the realization of entire amount.

The developer is also directed pay Rs.5000/- as petition cost.

However the builder has returned the total principle amount of Rs.8,00,000/- but the complainant is entitled for the delay interest also hence the fallowing.

The complainant has calculated the amount paid as on 05/11/2013 is Rs.4,00,000/- with interest @9% per annum till 30/04/2017, which total interest comes to Rs.1,23,000/-.

Further he has calculated the amount paid by him as on 24/09/2016 is Rs.4,00,000/- with interest @9% per annum till 30/04/2017 which total interest comes is Rs.57,000/-



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Further he has calculated the amount paid by him as on 01/05/2017 is Rs.8,00,000/- with interest @10.15% per annum (2% above the MCLR of SBI) from 01/05/2017 till 20/02/2018 which total interest comes is Rs.57,660/

Therefore the total interest payable by the developer from 0/05/2013 to till 20/02/2018 Rs.2,37,660/-.

Total amount due from the developer is Rs.2,42,660/-.

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"



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When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 13/03/2020 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following

ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. Rs.2,42,660/-which is treated as arrears of land revenue from the developer "Roopa Infra projects (India) 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 Account.

The above amount has been calculated up 20/02/2018.

Office is hereby directed to mention in the recovery warrant


(I.F. BIDIRI)
Adjudicating Officer



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