



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 5553

ಪುಟ ಸಂಖ್ಯೆ 5

ವಿಷಯ S. Nath

Unishire weave

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Execution Order :

CMP - 5553

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.S Nath who is the buyer in the project under the project "Unishire Weave" which is developed by "Unishire Promoters Private Limited,." This complaint was filed by the complainant claiming refund of amount with interest and compensation. After hearing the parties, order was passed on 21/12/202 by directing the developer to pay simple interest @ 9% on the respective amount paid on respective date 30/04/2017. Further the developer is also directed to pay interest the amount @ 2% above the MCLR of SBI from 01/05/2017 till the entire amount is realised.

The developer is also directed to pay Rs.5,000/- as cost of this petition.

The complainant has calculated the amount paid by him. According to him from 17/09/2014 to 13/10/2016 he had paid total amount to the builder is Rs.49,27,033/- from 17/09/2014 to 30/04/2017 he as calculated on the respective amount paid on respective dates with interest of @ 9% per annum on the said amount, which interest totally comes to Rs.4,38,396/-.

The developer also directed to pay interest @ 2% above the MCLR of SBI on the total amount paid by him from 01/05/2017. the complainant calculated



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@9.30%. On the total amount of Rs.49,27,033/-.
From 01/05/2017 till 31/07/2021 which totally
comes to Rs.16,95,110/-.

Therefore the total interest payable by the
developer from 07/09/2014 to till 31/07/2021
Rs.20,95,737/-.

Total amount due from the developer is
Rs.74,66,166/-.

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 21/12/2020 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.74,66,166/- which is treated as arrears of land revenue from the developer "Unishire Promoters 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 to 31/07/2021.

Office is hereby directed to mention in the recovery warrant

- As to the recovery of future interest on the amount of Rs.49,27,033/- @9.30% p.a. whenever it falls due, from 01/08/2021 to till realization.

31/8/21
(I F BIDARI)

Adjudicating Officer