

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

Karnataka Real Estate Regulatory Authority,
1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

EXECUTION PROCEEDINGS OF THE AUTHORITY
IN COMPLAINT No. CMP/170922/0000072

Dated: 3rd of August 2021

BETWEEN:

Smt. SHRADHA BAGARIA

No.304, 2nd Floor, Venasa Leke view
Apartment, 2nd Main Bengaluru-560003.

..... Complainant

AND

KSR Properties Pvt. Ltd.

No.23, Sankey Apartment, Square,

..... Respondent

*Sankey Cross Road, Sanashivanagar
Bengaluru - 560003.*

Complaint under Section 31 of RERA Act has been initiated by the Smt. Shradha Bhagariya who is an allottee in the project developed by "KSR Properties Pvt Ltd.". This was to claim of refund of amount paid by the complainant to the developer with interest. After hearing the parties, Order was passed by the Authority on 12/03/2020 directing the developer to pay delay compensation @ 9% p.a. simple interest on the total amount paid as on 26/06/2015 till 30.04.217 as per KOFA Act and @ 2% above the MCLR of SBI simple interest on the total amount commencing from 01.05.2017 till the possession with amenities and after obtaining occupancy certificate.

The complainant has given a written representation on 30/01/2021 to this authority to take action against the developer for recovery of the said amount since the developer has failed to comply with the K-RERA order

On the basis of the representation, notice was issued to the developer to appear before the Authority through Skype Video Call on 13/07/2021 at 11.30 am. The respondent has failed to appear. Therefore, the matter was posted for orders.

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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. Further Section 40 of the RERA Act which reads as under:


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"


As per Section 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 12/03/2020 as arrears of land revenue. Hence the following order:-

ORDER

By the power vested u/s 40 of the RERA Act, read with Rule 25, the amount payable of Rs. **2,700,955.15** /- is treated as arrears of land revenue from the developer "KSR Properties 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.


(D. Vishnuvardhana Reddy)
Member-1
K-RERA


(Neelamani N Raju)
Member-2
K-RERA


(H.C. Kishore Chandra)
Chairman
K-RERA