



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 2971

ಪುಟ ಸಂಖ್ಯೆ 12

ವಿಷಯ

Bheemashena charya
Zuari Garden City

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಅದೇಶಗಳು

Execution Order:

CMP 2971

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.Bheemashena Charya P V and Smt. Manjula R S who is the buyer under the project "Zuari Garden City-Kaveri Apartments" which is developed by "Zuari Infraworld India Ltd.," This complaint was filed by the complainant claiming refund. After hearing the parties, order was passed on 05/12/2019 by directing the both parties must comply with the terms and condition of the compromise memo dated 02/12/2019 but the developer failed to comply the terms thus proceed to pass the fallowing.

The developer hereby directed to return the total amount paid by the complainant is Rs.31,23,772/- along with interest.

The complainant has calculated the amount paid by him commencing from 01/10/2017 is Rs.31,23,772/.,with interest @10,75% per annum on the said amount paid by him from 01/10/2017 to 16/08/2021 which comes to Rs.15,18,736/-.

Therefore the total interest payable by the developer from 01/10/2017 to till 16/08/2021 Rs.15,18,736/-.



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	<p>Total amount due from the developer is Rs.46,42,508/-.</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 02/12/2019 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 Bheemashena charya

Zuari Garden City-

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ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. Rs.46,42,508/-. which is treated as arrears of land revenue from the developer "Zuari Infraworld India 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 16/08/2021.

Office is hereby directed to mention in the recovery warrant

- As to the recovery of future interest on the amount of Rs.31,23,772/-@10.75% p.a. simple interest whenever it falls due, from 17/08/2021 to till realization.

(Signature)

(I.F BIDIRI)

Adjudicating Officer