



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ .....CMP 1727.....

ಪುಟ ಸಂಖ್ಯೆ .....07.....

ವಿಷಯ .....Regarding Execution of Order.....

| ಕಂಡಿಕೆ<br>ಸಂಖ್ಯೆ | ಟಿಪ್ಪಣಿ ಮತ್ತು ಅದೇಶಗಳು   |
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| 8)               | <p>Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Mandar Sudhkar Bhatiya and Neeta Mandar Bhatiya who are the consumer under the project "Nitesh Hyde Park Phase 2" which is developed by "Nitesh Housing Developers Pvt.Ltd.," This complaint was filed by the complainant claiming compensation and refund of money with interest. After hearing the parties, order was passed on 04/04/2019 by directing the developer to pay interest @10.75% on the total amount paid by the complainant till realization of full amount and The developer is also directed to discharge the loan amount with its EMI if any.</p> <p>The complainant has given a representation on 18/06/2019 to this authority to take action against the developer for recovery of the said amount since the developer failed to comply with the order.</p> <p>On the basis of the representation, notice was issued to the developer to appear before the Adjudicating Officer on 03/7/2019,. Therefore, the matter was posted for orders.</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</p> |



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ಪುಟ ಸಂಖ್ಯೆ ..... 08

ವಿಷಯ ..... Regarding Execution of order

| ಕಂಡಿಕೆ<br>ಸಂಖ್ಯೆ | ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು  |
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|                  | <p>taking the shelter under Section 40 of the RERA Act which reads as follows;</p> <p><u>Sec 40(1):</u> "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"</p> <p>When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 4/04/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-</p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 2,00,65,452/-which treated as arrears of land revenue from the developer "Nitesh Housing Developers 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 bearing Account.</p> <p style="text-align: right;">Adjudicating Officer</p> <p style="text-align: center;">2</p> |