



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 3608

ಪುಟ ಸಂಖ್ಯೆ 9

ವಿಷಯ M.P. Geetha
Krisna Laburnum

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
	<p><u>Dated: 07/10/2021</u> Execution Order in CMP-3608</p> <p>Complaint under Section 31 of RERA Act has been initiated by the complainant Mrs.M P Geetha who is the buyer under the project "KRISNA LABURNUM" which is developed by "Dr.K. Balaraman" This complaint was filed by the complainant claiming Delay Compensation. After hearing the parties, order was passed on 25/06/2020 by directing the developer to pay interest @ 2% above the MCLR of SBI commencing from 01/07/2018 till possession is delivered after obtaining Occupancy certificate with all amenities.</p> <p>The developer is also directed to pay Rs.5,000/- as cost of this petition.</p> <p>The complainant has calculated for the amount paid by him was on Rs.1,71,58,700/-,with interest @9.3% p.a. on the said amount paid by him commencing from 01/07/2018 to 24/09/2021 which totally comes to Rs.56,62,935/-.</p> <p>Total amount due from the developer is Rs.56,67,935/-.</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.</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</p>



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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"

When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 25/06/2020 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.90,41,620/- which is treated as arrears of land revenue from the developer "Dr. K. Balaraman" 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 till the end of October 2020.

(7)



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Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs.2,77,62,272/- @9.3% p.a. whenever it falls due, from November 2020 to till realization.

(I F BIDARI)

Adjudicating Officer