



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP NO. 4214 ಪುಟ ಸಂಖ್ಯೆ -12-
 ವಿಷಯ Thimothy Harold Gonsalves
Vasathi Avante

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
15)	<p>Date: 25.01.2024</p> <p>Execution Order : CMP/190917/0004214</p> <p>Complaint under Section 31 of RERA Act has been initiated by the complainant "THIMOTHY HAROLD GONSALVES" who is the buyer under the project "VASATHI AVANTE" which is developed by "VASATHI HOUSING LTD". This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 06/02/2020 by directing the developer to return Rs.14,70,865/- to the complainant with interest 9% per annum on the respective amount paid on the respective date till 30.04.2017 and to pay simple interest @ 2% above MCLR of SBI commencing from from 01.05.2017 till the realisation of entire amount.</p> <p>The file has already sent to concern DC office with total recovery amount of Rs 95,75,160/- calculated upto 30.06.2021. According to him the interest amount from 01.07.2021 to 21.12.2023 @ 2% above the MCLR of SBI p.a. which interest comes as Total Rs 3,69,346/-.</p> <p>According to him the interest on home loan, its comes to Rs 14,69,354/-.</p> <p>Total amount due from the developer which comes is Rs 1,14,13,860/-</p> <p>The complainant has given a representation with memo of calculation dt:21/12/2023, since the developer failed to comply with the same.</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>



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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 06/02/2020 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 1,14,13,860/-. Which is treated as arrears of land revenue from the developer **"VASATHI HOUSING 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 to 21/12/2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs.14,70,865/- @ 2% per annum above the MCLR of SBI simple interest whenever it falls due, from 22/12/2023 to till realization.

(I.F BIDIRI)
Adjudicating Officer