



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 3875

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Mr. Lylesh Vijay Menezes.  
R.J. Lake Gardnia

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## Execution Order:

### **CMP 3875**

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.Lylesh Vijay Menezes who is the buyer under the project "R J Lake Gardnia" which is developed by "R J Rishikaran Projects Pvt.Ltd.," This complaint was filed by the complainant claiming refund of the amount. After hearing the parties, order was passed on 11/02/2020 by directing the developer to return Rs.1,17,14,100/- together with interest @9% on the respective amount paid on the respective dates till 30/04/2017 and @2% above the MCLR of SBI from 1<sup>st</sup> May 2017 till realization.

The developer is also directed pay Rs.5000/- as petition cost.

The complainant has calculated the amount paid by him. According to him from 02/06/2014 to 09/11/2016 he had paid total amount to the builder is Rs.1,07,14,100/- from 02/06/2014 to 30/04/2017 he as calculated on the respective amount paid on respective dates with interest of @ 9% per annum on the said amount, which interest totally comes to Rs.21,40,553/-.

The complainant has calculated the amount paid by him is Rs.1,07,14,100/- with interest @10.15% per annum (2% above the MCLR of SBI) from



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ಕಡತದ ಸಂಖ್ಯೆ 3875

ಪುಟ ಸಂಖ್ಯೆ 26

ವಿಷಯ Mr. Lesh V. M.

R. S. Lake Gardenia

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
	<p>01/05/2017 till 07/10/2021 which total interest comes is Rs.57,90,933/-</p> <p>Further he has calculated the amount paid by him was on 16/10/2017 is Rs.5,00,000/- with interest @10.15% per annum (2% above the MCLR of SBI) from 16/10/2017 till 07/10/2021 which total interest comes is Rs.2,01,888/-</p> <p>Further he has calculated the amount paid by him was on 17/10/2017 is Rs.2,00,000/- with interest @10.15% per annum (2% above the MCLR of SBI) from 17/10/2017 till 07/10/2021 which total interest comes is Rs.80,699/-</p> <p>Further he has calculated the amount paid by him was on 18/10/2017 is Rs.2,00,000/- with interest @10.15% per annum (2% above the MCLR of SBI) from 18/10/2017 till 07/10/2021 which total interest comes is Rs.80,644/-</p> <p>Further he has calculated the amount paid by him was on 21/10/2017 is Rs.1,00,000/- with interest @10.15% per annum (2% above the MCLR of SBI) from 21/10/2017 till 07/10/2021 which total interest comes is Rs.40,238/-</p> <p>Therefore the total interest payable by the developer from 02/06/2014 to till 07/10/2021 Rs.83,34,955/-.</p>





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ಕಡತದ ಸಂಖ್ಯೆ 3875

ಪುಟ ಸಂಖ್ಯೆ 27

ವಿಷಯ Mr. Lylesh V. M.

R.j. Lulegardona

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Total principle amount	Rs.1,38,54,652/-
Total interest till 07.10.2021	Rs.83,34,955/-.
Petition cost	5000/-
Deposit withdrawal from RERA	Rs.-55,24,000/-
Amount received by builder on 8/02/2021	Rs.-30,00,000/-
Total recoverable amount is	Rs.1,15,30,055/-

Total amount due from the developer is Rs.1,15,30,055/-.

The complainant has given a representation with memo of calculation since the developer failed to comply with the same. There is no appeal.

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;

*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*



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ಕಡತದ ಸಂಖ್ಯೆ 3875

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Mr. Lylesh V. Jay Menon  
R. J. Rishikaran Projects

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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 11/02/2020 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. Rs.1,15,30,055/- which is treated as arrears of land revenue from the developer "R J Rishikaran Projects 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.

The above amount has been calculated up 07/10/2021.

Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs.1,38,54,652/- @10.15% p.a. simple interest whenever it falls due, from 08/10/2021 to till realization.

(I.F BIDRI)

Adjudicating Officer