



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 2084

ಪುಟ ಸಂಖ್ಯೆ 14

ವಿಷಯ Shiju John

..... Unishire weave

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Execution Order:

CMP 2084

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.Shiju John who is the buyer under the project "Unishire Weave" which is developed by "Unishire Promoters Pvt. Ltd.," This complaint was filed by the complainant claiming refund. After hearing the parties, order was passed on 16/07/2019 by directing the developer to refund the amount together @9% interest till 30/04/2017 and @10.75% interest commencing from 01/05/2017 till the realization of entire amount.

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

The complainant has calculated the amount paid by him was on 30/04/2016 is Rs.3,00,000/,with interest @9% per annum on the said amount paid by him from 30/04/2016 to 30/04/2017 which comes to Rs.27,073,-.

The complainant has calculated the amount paid by him was on 31/05/2016 is Rs.2,48,250/,with interest @9% per annum on the said amount paid by him from 31/05/2016 to 30/04/2017 which comes to Rs.20,506/-.

The complainant has calculated the amount paid by him was on 30/04/2016 is Rs.5,48,250/,with interest @10.75% per annum on the said amount



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 2084

ಪುಟ ಸಂಖ್ಯೆ 15

ವಿಷಯ Shiju John

Unishire weare

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

paid by him from 01/05/2017 to 31/12/2020 which comes to Rs.2,16,048/-.

Therefore the total interest payable by the developer from 30/04/2016 to till 31/12/2020 Rs.2,63,627/-.

He had paid towards bank loan EMI till 28/10/2019 is Rs.10,66,142/- and total bank loan due is Rs.35,58,741/-.

Total amount due from the developer is Rs.54,19,318/-.

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.

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 recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue"



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 2084

ಪುಟ ಸಂಖ್ಯೆ 16

ವಿಷಯ Shrije John

Unishire weare

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

When Sec.40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 16/07/2019 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.54,19,318/- which is treated as arrears of land revenue from the developer "Unishire Promoters 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 31/12/2020.

Office is hereby directed to mention in the recovery warrant.

a. As to the recovery of future interest on the amount of Rs.5,48,250/- @10.75% p.a. simple interest whenever it falls due, from 1/01/2021 to till realization


(I.F. BIDRI)

Adjudicating Officer