

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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"MAX CITY"

ಪುಟ ಸಂಖ್ಯೆ 7

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 20/12/2021

Execution Order:

CMP 64

Complaint under Section 31 of RERA Act has been initiated by the complainant Mrs.SWAGATIKA SAHU who is the buyer in the project "MAX CITY" which is developed by "MAXWORTH REALTY INDIA LIMITED,." This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 12/11/2020 by directing to refund the amount along with interest 2% above the MCLR of SBI commencing from May 2017 till possession is delivered after obtaining Occupancy certificate.

The developer is also directed to pay Rs.5,000/- as cost of this petition.



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ಕಡತದ ಸಂಖ್ಯೆ

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'MAX CITY'

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The complainant has calculated for the amount paid by him was Rs.7,00,000/- with interest @9% p.a. on the said amount paid by him commencing from 19/10/2016 to 30/04/2017. which totally comes to Rs. 731500/-

Total interest due from the developer from 19/10/2016 till 30/04/2017 is Rs.31500/-.

Total interest due from the developer from 01/05/2017 till 11/11/2021 is Rs.3,85,000/-.

Total amount due from the developer is Rs.11,21,500/-.

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

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"MAX CITY"

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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"

When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 12/11/2020 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following



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"MAX CITY"

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ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. Rs.11,21,500/- which is treated as arrears of land revenue from the developer "MAXWORTH REALTY INDIA LIMITED," 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 11/11/2021.

Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs. ~~7.00,000/-~~ @ ~~10.25%~~ whenever it falls due, from 12/11/2021 to till realization.

(IF BIDARI)

Adjudicating Officer

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