



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ ೮೫೫ ೩೫೫೧

ಪುಟ ಸಂಖ್ಯೆ ೦೨

ವಿಷಯ Jayanta Chakrabarti
Pashmina Waterfront - Ph-1

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13)

Complaint under Section 31 of RERA Act has been initiated by the complainant Jayanta Chakrabarti K who is the consumer under the project "Pashmina Waterfront ph-1" which is developed by "Lily Realty Pvt. Ltd.," This complaint was filed by the complainant claiming for refund. After hearing the parties, order was passed on 03/01/2020 by directing the developer to return Rs.19,22,955/- along with interest @ 9%p.a. till 30/04/2017 and @2% above the MCLR of SBI from 1/05/2017 till realization. Further the developer was directed to discharge the bank loan.

The complainant has given a representation on 04/03/2020 to this authority to take action against the developer for recovery of the said amount since the developer failed to comply with the order.

On the basis of the representation, notice was issued to the developer calling for his objections through online on account of maintaining social distance as per SOP of this authority dated 04.06.2020. According to notice the developer has submitted his reply stating that the Adjudicating Officer has failed to consider that he has paid EMI to the bank and also received OC and he is going to file an Appeal. The judgment order was passed by this authority on 03/01/2020 for which appeal period would be 60 days only. Now we are in the mid of June 2020. Only to the notice issued by this authority the developer has contended that he is going to file an Appeal which is not acceptable. Hence his objection is rejected. Therefore, the matter was posted for orders.



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ಕಡತದ ಸಂಖ್ಯೆ Emp. 3559

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ವಿಷಯ Jayanthe Chakrabarti
Pushkarna Waterfront - Phase-1

ಕಂಡಿಕೆ
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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"

When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 26/12/2018 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-

ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 35,62,605/- which treated as arrears of land revenue from the developer "Lily Realty 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 bearing Account.

Adjudicating Officer

[Signature]
10/11/2018