ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP:NO.6418 ಪುಟ ಸಂಖ್ಯೆ 6

ವಿಷಯ Arun Kumar Shettar

Prestige Estates Pvt. Ltd.

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
9)	**DATE:02/02/2022** **CMP 6418** **EXECUTION ORDER:** Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. ARUN KUMAR SHETTAR who is the consumer under the project "PRESTIGE BAGAMANE TEMPLE BELLS" which is developed by "PRESTIGE ESTATES PROJECTS LIMITED." This complaint was filed by the complainant claiming Delay Compensation, Interest on Payment. After hearing the parties, order was passed on 02/11/2021 by directing the developer to pay delay compensation @ 2% p.a above the MCLR of SBI on the amount received from the Complainant from 01/05/2019 to 29/06/2019. The complainant has calculated the interest @10.5% p.a. on respective amount paid by him commencing from 01/05/2019 to 29/06/2019 which totally comes to Rs.1,17,144/-. Total amount due from the developer is Rs. 1,17,144/-.

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP/6418 ಪುಟ ಸಂಖ್ಯೆ 7

ವಿಷಯ Arun Kumar Shettar.

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
	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"

ಕಡತದ ಸಂಖ್ಯೆ CMP. 6418 ಪುಟ ಸಂಖ್ಯೆ 8

ವಿಷಯ Arun Kumar Shettar :
Prestige Estates pvt. ltd.

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು	

When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 02/11/2021 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. 1,17,144/- which is treated as arrears of land revenue from the developer "PRESTIGE ESTATES PROJECTS 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 end of 29/06/2019.

Office is hereby directed to mention in the recovery warrant

2/2/22

(I.F BIDIRI)
Adjudicating Officer

10) under Secretary