



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ 1807

ಪುಟ ಸಂಖ್ಯೆ -05-

ವಿಷಯ K. RAJANNA

THE GREEN PHASE II

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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**DATE:04/03/2022**

**CMP 1807**

## EXECUTION ORDER:

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. K RAJANNA who is the buyer in the project under the project "THE GREENS PHASE II" which is developed by "SANCHAYA LAND AND ESTATE PVT LTD,." This complaint was filed by the complainant claiming refund of amount with interest and compensation. After hearing the parties, order was passed on 08/03/2019 by directing the developer to refund the amount along with simple interest @ 10.75%.

According to him as on 13/02/2014 he had paid Rs.1,00,000/-. for which he has calculated the interest @ 9% for annum from 13/02/2014 till 30/04/2017 which interest comes as Rs.28,898/-

According to him as on 07/08/2014 he had paid Rs.4,27,957/-. for which he has calculated the interest @ 9% for annum from 07/08/2014 to 30/04/2017 which interest comes as Rs.1,05,207/-.

According to him he has calculated Rs 5,27,957/- the interest @ 10.75% for annum from 01/05/2017 to 31/12/2020 which interest comes as Rs.2,08,362/-.

According to him as on 01/04/2014 he had paid Rs.5,05,524/-. for which he has calculated the interest @ 10.15% for annum from 01/04/2014 to 31/12/2020 which interest comes as Rs.3,46,663/-.





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According to him he has calculated Rs 10,33,481/- the interest @ 9% for annum from 01/01/2021 to 31/10/2021 which interest comes as Rs.77,213/-.

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

Total amount due from the developer is which comes to Rs.18,04,826/-.

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"*





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When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 08/03/2019 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. 18,04,826/- which is treated as arrears of land revenue from the developer "SANCHAYA LAND AND ESTATE 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 to 31/10/2021.

Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs.10,33,481/- @10.75% p.a. whenever it falls due, from 01.11.2021 to till realization.

  
(IF BIDARI)  
Adjudicating Officer