



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ COMP-4566

ಪುಟ ಸಂಖ್ಯೆ 4

ವಿಷಯ

Ankush Joshi
SKYLARK ITHACA

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 27/04/2022

Execution Order :

CMP 4566

Complaint under Section 31 of RERA Act has been initiated by the complainant **Mr. ANKUSH JOSHI** who is the buyer under the project "**SKYLARK ITHACA**" which is developed by "**SKYLARK MANSIONS PVT LTD**". This complaint was filed by the complainant claiming refund of amount with interest. After hearing the parties, order was passed on 05/02/2020. The developer hereby directed to pay Rs.9,90,000/- with interest @9% per annum on the respective amount on the respective date of prior to 30/04/2017 and @2% above the SBI marginal lending rate of interest on home loans till the amount is realized.

According to him as on May-2016 he had paid Rs.9,90,000/- for which he has calculated the interest @9% for annum from 03.05.2016 till 30.04.2017 which interest comes as Rs.89,000/-

According to him as on May 2016 he had paid Rs.9,90,000/- for which he has calculated the interest @ 2% above the MCLR of SBI for annum from May 2017 to till Feb 2022 which comes to 1730 days and interest comes as Rs.5,05,519/-

According to him the loan, with its interest, EMI paid by the complainant is Rs.5,00,290/-



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The developer is also directed to pay Rs.5000/- as cost of this case.

Total amount due from the developer which comes is Rs.20,89,809/-.

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"

When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 05/02/2020 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following;



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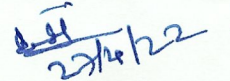
ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.20,89,809/-. Which is treated as arrears of land revenue from the developer "SKYLARK MANSIONS 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 25/02/2022.

Office is hereby directed to mention in the recovery warrant.

As to the recovery of future interest on the amount of Rs. Rs.9,90,000/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 26/02/2022 to till realization.



(L.F. BIDIRI)

Adjudicating Officer