



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ COMP-4118

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ Suman Rupanagudi

Adarsh Premia Phase -1

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 27/04/2022

Execution Order :

CMP 4118

Complaint under Section 31 of RERA Act has been initiated by the complainant "**SUMAN RUPANAGUDI**" who is the buyer under the project "**ADARSH PREMIA - PHASE 1**" which is developed by "**ADARSH DEVELOPERS**". This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 23/08/2021 by directing the developer to pay compensation to the complainant by way of interest @ 9% per annum on respective amounts till 30.04.2017 and from 01.05.2017 @2% per annum above the MCLR of SBI till the payment of entire amount.

According to him as upto 12/12/2016 he had paid Rs.1,26,25,535/- for which he has calculated the interest @9% for annum from 14.08.2014 to 12.12.2016 which interest comes as Rs.25,30,572.38/-.

According to him as upto 30/06/2019 he had paid Rs.21,57,527/- for which he has calculated the interest @.2% above the MCLR of SBI for annum from May 2017 to till 30/06/2019 which interest comes as Rs.34,39,593.25/-

The complainant which has been paid towards GST(TDS) is Rs.1,37,206/-.

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

Total amount due from the developer which comes is Rs.61,12,371.65/-.



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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 23/08/2021 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.61,12,371.65/-. Which is treated as arrears of land revenue from the developer **"ADARSH DEVELOPERS"** 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.




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ಕಡತದ ಸಂಖ್ಯೆ COMP-4118

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Adarsh Premium Phase -1

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
	<p>The above amount has been calculated up to 30/06/2019.</p> <p>Office is hereby directed to mention in the recovery warrant.</p> <p>As to the recovery of future interest on the amount of Rs. Rs.1,47,83,062/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 01/07/2019 to till realization.</p> <p style="text-align: center;"> (L.F. B1/DIRI) Adjudicating Officer</p>