



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ Comp. No - 1974

ಪುಟ ಸಂಖ್ಯೆ 06

ವಿಷಯ Sanbit Roy v/s Skylark Ithaca

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

1974

ಫರ್ಯಾದುದಾರರು ತಾನು ಪಡೆದುಕೊಂಡ
ಆದೇಶವನ್ನು ಜಾರಿ ಮಾಡುವಂತೆ ಕೇಳಿಕೊಂಡಿದ್ದರು
ಅದರ ಪ್ರಕಾರ ನೋಟಿಸ್ ನೀಡಲಾಯಿತು. ಡೆವಲಪರ್
ಪರ ತಕರಾರು ಸಲ್ಲಿಸಿಲ್ಲ. ಆದ್ದರಿಂದ ಆದೇಶಕ್ಕೆ.

Complaint under Section 31 of RERA Act has been initiated by the complainant Sanbit Roy who is the consumer under the project "Skylark Ithaca" which is developed by "Ithaca Estates Private Limited," This complaint was filed by the complainant claiming for compensation. After hearing the parties, order was passed on 22/05/2019 by the developer is directed to return amount of Rs.5,92,086/- to the complainant along with interest @ 10.75% P.A., from today till the realisation of the amount. The developer shall pay Rs. 4,48,690/- as opportunity cost after the end of 30 months and to pay any incidental charges. The complainant is hereby directed to execute the cancellation deed in favour of the Developer after the entire amount has been realized. Rs.5,000/- to be paid as cost of the petition by the developer.



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ಕಡತದ ಸಂಖ್ಯೆ emp. No-1974

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ವಿಷಯ Sanjit Roy v/s Skylink Itaca

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The calculation has been made @10.75%p.a on Rs. 5,92,086/-from 22.05.2019 till 30.09.2020 which comes to Rs.91,434/-. Further the developer shall pay Rs.4,48,690/-. It means the developer shall pay Rs.11,32,210/- to the complainant till 30.09.2020.

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 22/05/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 11,32,210/- which is treated as arrears of land revenue from the developer "Ithaca Estates Private 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 September 2020.

Office is hereby directed to mention in the recovery warrant as to the recovery of future interest on the amount of Rs. 5,92,086/- @10.75% p.a. from October 2020 till the realisation.

(K.Palakshappa)
Adjudicating Officer

9. 485

17/10/2020

10

5,92,086/-

19/10/20

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C.W)