



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 1577

ಪುಟ ಸಂಖ್ಯೆ -06-

ವಿಷಯ SAMIRA KUMAR PATNAIK

SKYLARK ITHACA

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

**Date: 13/07/2022**

**Execution Order : CMP/181029/0001577**

Complaint under Section 31 of RERA Act has been initiated by the complainant **"SAMIRA KUMAR PATNAIK"** who is the buyer under the project **"SKYLARK ITHACA"** which is developed by **"SKYLARK MANSIONS PRIVATE LIMITED"**. This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 16/01/2019 by directing the developer to pay compensation in the form of interest @10.75% commencing from October 2017 on the amount paid by him towards purchase of flat in question till the notice of possession is issued. The developer is directed to deliver the possession within time given to RERA.

According to him as upto 09/02/2017 he had paid Rs.49,28,029/- for which he has calculated the interest @ 2% above the MCLR of SBI for annum from October 2017 to till May 2022 which interest comes as Rs.24,38,362/-

Total amount due from the developer which comes is Rs.24,38,362/-.

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;



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ವಿಷಯ SAMIRA KUMAR PATNAIK

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*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 16/01/2019 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.24,38,362/-Which is treated as arrears of land revenue from the developer "**SKYLARK MANSIONS 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 up to May- 2022.Office is hereby directed to mention in the recovery warrant.

As to the recovery of future interest on the amount of Rs. Rs.49,28,029/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 01/06/2022 to till realization.

  
(I.F. BIDIRI)

**Adjudicating Officer**