



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 532

ಪುಟ ಸಂಖ್ಯೆ -6-

ವಿಷಯ SANJAY . M. AYARE

PATHAK DEVELOPERS PVT. LTD.

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

**Date:13.07.2022**

**Execution Order :**

**CMP/180302/0000532**

Complaint under Section 31 of RERA Act has been initiated by the complainant **"SRI . SANJAY M AYARE AND SMT.ANITHA AYARE"** who is the buyer under the project **"PRATHAM LAKSHMI"** which is developed by **"SHRIHARI PATAK AND M/S PATHAK DEVELOPERS PVT LTD"**. This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 23/12/2020 by directing the developer to return Rs.13Lakhs to the complainant. The developer is liable to pay simple interest @9% per annum on the respective amount paid on the respective date till 30/04/2017 and @2% above the MCLR of SBI commencing from May 2017 till realization. The amount returned by the developer to deducted at the appropriate time while calculating the interest.

According to him paid Rs.13,00,000/-, which interest of @ 9% per annum on the said amount which interest totally comes to till 30/04/2017 is Rs.3,39,000/- and @ 2% above the MCLR of SBI for annum from 01/05/2017 to till 09/05/2022 which interest comes as Rs.6,08,000/-.

According to him paid into bank loan amount with interest is Rs.1,44,500/- and bank dues outstanding amount as on 18/03/2022 is Rs.5,50,000/-.

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

Total amount due from the developer which comes is **Rs.29,46,500/-**.





# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 532

ಪುಟ ಸಂಖ್ಯೆ -f-

ವಿಷಯ SANJAY.M. AYANE

Pathak Developers Pvt. Ltd.

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 23/12/2020 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.29,46,500/-. Which is treated as arrears of land revenue from the developer **"SHRIHARI PATAK AND M/S PATHAK DEVELOPERS PVT LTD"** and the same has to be recovered by sending the file to



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ ..... CMP No. 532

ಪುಟ ಸಂಖ್ಯೆ ..... -8-

ವಿಷಯ ..... Pathak Developers Pvt. Ltd

SANJAY. M. AYAR

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

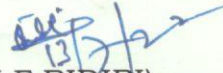
ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 09/05/2022.

Office is hereby directed to mention in the recovery warrant.

As to the recovery of future interest on the amount of Rs. Rs.13,00,000/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 10/05/2022 to till realization.

  
(I.F. BIDIRI)  
Adjudicating Officer