



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ

CMP- No. 831

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NITHIN URS
SKYLARK ITHACA

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ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date:21.07.2022

Execution Order :

CMP/180514/0000831

Complaint under Section 31 of RERA Act has been initiated by the complainant **"SRI . NITHIN URS"** who is the buyer under the project **"SKYLARK ITHACA"** which is developed by **"SKYLARK MANSIONS PVT LTD AND ITHACA ESTATES PRIVATE LIMITED"**. This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 16/07/2018 by directing the developer to return to the complainant. The developer is liable to pay simple interest @10.25% per annum on the respective amount paid on the respective date..

According to him paid Rs.49,99,224/- on 16/08/2016, which interest of @ 10.25% per annum on the said amount which interest totally comes to till 13/05/2022 is Rs.29,41,153/- , he paid Rs.3,56,575/- on 26/02/2016, which interest of @ 10.25% per annum on the said amount which interest totally comes to till 13/05/2022 is Rs.2,27,104/- and he paid Rs.3,57,087/- on 13/02/2017, which interest of @ 10.25% per annum on the said amount which interest totally comes to till 13/05/2022 is Rs.1,92,032/-

Total amount due from the developer which comes is Rs.90,73,175/-.

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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Nitin Urs
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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 16/07/2018 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. 90,73,175/-. Which is treated as arrears of land revenue from the developer **"SKYLARK MANSIONS PVT LTD AND 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 up to 13/05/2022.

Office is hereby directed to mention in the recovery warrant.

As to the recovery of future interest on the amount of Rs. Rs.57,12,886/- @10.25% per annum simple interest whenever it falls due, from 14/05/2022 to till realization.

(I.F. BIDIRI)

Adjudicating Officer

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