



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ COMP-3523

ಪುಟ ಸಂಖ್ಯೆ 06

ವಿಷಯ Yusuf shabbir ghadiyali & Tasneem yusuf ghadiyali
Skylark Ithaca

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

Date:04.08.2022

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

10)

Execution Order :

CMP/190711/0003523

Complaint under Section 31 of RERA Act has been initiated by the complainant **"YUSUF SHABBIR GHADIYALI & MRS. TASNEEM YUSUF GHADIYALI"** 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 refund with interest. After hearing the parties, order was passed on 13/11/2019. The developer is directed to return Rs.6,13,166/- to the complainant along with interest @2% above the MCLR from today till the realization of the amount. The developer shall pay Rs.4,64,665/- as opportunity cost after the end of 36 months.

The developer is directed to return Rs.6,13,166/- with interest of @ 2% above the MCLR of SBI for annum from 13/11/2019 to till 21/07/2022 which interest comes as Rs.1,60,253/-.

The developer shall pay Rs.4,64,665/- as opportunity cost after the end of 36 months.

The developer is also directed to pay Rs.5,000/- as cost of this case.

Total amount due from the developer which comes is Rs.12,43,084/-.

The complainant has given a representation with memo of calculation Email dated:24/07/2022. 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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ಪುಟ ಸಂಖ್ಯೆ 07

ವಿಷಯ Yusef shabbir Ghadigali & Tooneem yusef Ghadigali

Skylark Dhoran

ಕಂಡಿಕೆ
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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 13/11/2019 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.12,43,084/-. 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 21/07/2022.

Office is hereby directed to mention in the recovery warrant.

As to the recovery of future interest on the amount of Rs. Rs.6,13,166/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 22/07/2022 to till realization.


(I.F. BIDIRI)

Adjudicating Officer