



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 3898

ಪುಟ ಸಂಖ್ಯೆ - 17 -

ವಿಷಯ MR. SUMAN KUMAR. S.

GM Infinite Silver Spring Field

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

**Date: 18/08/2022**

**Execution Order :**

**CMP 3898**

Complaint under Section 31 of RERA Act has been initiated by the complainant **Mr. SUMAN KUMAR S** who is the buyer under the project "**GM INFINITE SILVER SPRING FIELD**" which is developed by "**M/s GM INFINITE SILVER DWELLING (India) PVT LTD.**" This complaint was filed by the complainant claiming delay compensation. After hearing the parties, order was passed on 21/09/2020 by directing the developer to pay delay compensation @2% per annum above the MCLR of SBI on the principal amount paid on the sale deed from the date of sale deed till the developer obtains the OC.

The complainant has calculated the total amount paid by him was on 15/09/2018 is Rs.52,45,162/- from 15/09/2018 to 31/07/2022 with interest of @ 2% per annum above the MCLR of SBI on the said amount paid which interest totally comes to Rs.18,92,397/-.

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

Total amount due from the developer is Rs.18,97,397/-.

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.



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 3898

ಪುಟ ಸಂಖ್ಯೆ - 18 -

ವಿಷಯ MR. SUMAN KUMAR. S.

GM Infinite Silver Spring Filed

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 21/09/2020 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. 18,97,397/-**. Which is treated as arrears of land revenue from the developer "M/s GM INFINITE SILVER DWELLING (India) PVT LTD." 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 31/07/2022.





## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 3898

ಪುಟ ಸಂಖ್ಯೆ 19-

ವಿಷಯ MR. SUMAN KUMAR S


GM Infinite Silver Spring Field

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs. 52,45,162/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 01/08/2022 to till realization.

  
(I.F. BIDIRI)

Adjudicating Officer