



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP No. 2577

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ವಿಷಯ SUNEESH. P. P.

JAL VAYU TOWERS

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ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 21/07/2022

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Execution Order :

K-RERA No. CMP/190405/0002577 &

K-REAT APPEAL NO.120/2020

Complaint under Section 31 of RERA Act has been initiated by the complainant "SUNEESH P P" who is the buyer under the project "JAL VAYU TOWERS" which is developed by "AIR FORCE NAVAL HOUSING BOARD". This complaint was filed by the complainant claiming interest. After hearing the parties, order was passed on 25/06/2021 by K - REAT. The consumer with interest @ 9% per annum on the amount deposited by the Appellant from respective dates of deposits till the date of coming into force of RERA act 26/03/2016 and from 26/03/2016 @rate of interest SBI highest MCLR plus 2% till the date of return of the amount by the first respondent, after deducting the amount already paid to allottee, within a period of two monthes from the date receipt of this order.

According to him as upto 15.11.2018 he had paid Rs.55,50,000/- for which he has calculated the interest @9% for annum from 30.11.2012 to 26.03.2016 which interest comes as Rs.70,101/- and also for which he has calculated the interest @ 2% above the MCLR of SBI for annum from 27/03/2016 to till 08/07/2019 which interest comes as Rs.11,87,750/-.

Total amount due from the developer which comes is Rs.12,57,851/-.

The complainant has given a representation with memo of calculation since the developer failed to comply with the same. 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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SUNSHINE P. P.

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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 25/06/2021 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.12,57,851/-. Which is treated as arrears of land revenue from the developer "**AIR FORCE NAVAL HOUSING BOARD**" 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 08/07/2019 .

Office is hereby directed to mention in the recovery warrant.


(I.P. BIDIRI)

Adjudicating Officer