



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ COMP-1186

ಪುಟ ಸಂಖ್ಯೆ 4

ವಿಷಯ Murali Krishna

MOON stone

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Date: 08/09/2022

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Execution Order : CMP/180827/0001186

Complaint under Section 31 of RERA Act has been initiated by the complainant **"MURALI KRISHNA"** who is the buyer under the project **"MOONSTONE "** which is developed by **"CMRS BUILDERS"**. This complaint was filed by the complainant claiming delay compensation. After hearing the parties, order was passed on 13/11/2018. The developer is hereby directed to pay Rs.8,000/- as delay compensation commencing from December 2017 till the notice for possession is issued.

The developer has to pay Rs.8,000/- per month of delay compensation commencing from December 2017 till August 2022. Which calculated amount of Rs.4,48,000/-.

The complainant has given a representation with memo of calculation on Email dated.07/09/2022. Since the developer failed to comply with the same. There is no appeal.

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"



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When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 13/11/2018 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.4,48,000/-.Which is treated as arrears of land revenue from the developer "**CMRS BUILDERS**". 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 August 2022.Office is hereby directed to mention in the recovery warrant.

As to the recovery of future on the amount of Rs. Rs.8,000/- per month. whenever it falls due, from September 2022 to till realization.


(I.F. BIDIRI)
Adjudicating Officer

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