



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP-2272

ಪುಟ ಸಂಖ್ಯೆ 07

ವಿಷಯ Immanuel John Nicholas Iyadurai
mantri webcity 3B

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

Date: 10/10/2022

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Execution Order : CMP/190624/0002272

Complaint under Section 31 of RERA Act has been initiated by the complainant **"IMMANUEL JOHN NICHOLAS IYADURAI"** who is the buyer under the project **"MANTRI WEBCITY3B "** which is developed by **"MANTRI DEVELOPERS PRIVATE LIMITED"**. This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 04/02/2020. The developer is hereby directed to pay delay compensation @9% on the total amount pay as on September 2016 till 30/04/2017. Further the developer is directed to delay compensation in the form of interest @2% above the MCLR of SBI on the total amount paid commencing from 01/05/2017 till the possession is delivered by obtaining the occupancy certificate with all amenities.

According to him as up to September 2016 he had paid Rs.97,63,209/- for which he has calculated the interest @9% for annum from September 2016 to 30/04/2017 which interest comes as Rs.5,82,582/- and also @ 2% above the MCLR of SBI for annum from May 2017 to till 07/10/2022 which interest comes as Rs.54,18,501/-.

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.60,06,083/-**.

The complainant has given a representation with memo of calculation Email dated:07/10/2022. 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.



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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 04/02/2020 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.60,06,083/-**. Which is treated as arrears of land revenue from the developer **"MANTRI DEVELOPERS 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 07/10/2022. Office is hereby directed to mention in the recovery warrant.

As to the recovery of future interest on the amount of Rs. Rs.97,63,209/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 08/10/2022 to till realization.

(I.F BIDIRI)

Adjudicating Officer