



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ comp-262

ಪುಟ ಸಂಖ್ಯೆ 13

ವಿಷಯ Priya Rajesh Unnitha v/s Transprakrauthi

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಅದೇಶಗಳು

Date:04.08.2022

Execution Order :

CMP/171124/0000262

Complaint under Section 31 of RERA Act has been initiated by the complainant **"PRIYA RAJESH UNNITHAN"** who is the buyer under the project **"TRANSPRAKRUTHI"** which is developed by **"TRANSCITY DEVELOPERS"**. This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 9/05/2019 by directing the developer to return Rs.3,44,000/-to the complainant. The developer is liable to pay simple interest @9% per annum on the respective amount paid on the respective date till 30/04/2017 and 10.75% commencing from May 2017 till realization.

The complainant has paid Rs.3,44,000/- on 14.08.2014. it is calculated @9% simple interest on Rs.3,44,000/- from 14.08.2019 to 30.04.2017 means which comes to Rs.83,592/-.

It is calculated @10.75% simple interest on Rs.3,44,000/- from 01.05.2017 to 31.07.2022 means which comes to Rs.1,92,296/-.

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

Total amount due from the developer which comes is Rs.6,24,888/-.

The complainant has given a representation with memo of calculation Email dated:03.08.2022. 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 14

ವಿಷಯ Prige Rajesh Unnithan v/s Transcity Developers

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 09/05/2019 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.6,24,888/-. Which is treated as arrears of land revenue from the developer **"TRANSCITY DEVELOPERS"** 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.

Office is hereby directed to mention in the recovery warrant.

As to the recovery of future interest on the amount of Rs. Rs.3,44,000/- 10.75% per annum simple interest whenever it falls due, from 01/08/2022 to till realization.

(I.F BIDIRI)

Adjudicating Officer