



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP-1463

ಪುಟ ಸಂಖ್ಯೆ 9

ವಿಷಯ M. Preetha

Gm Global Techies Town Tower C

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

**Date: 11.10.2022**

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

32)

## **Execution Order : CMP/181017/0001463**

Complaint under Section 31 of RERA Act has been initiated by the complainant **"M PREETHA"** who is the buyer under the project **"GM GLOBAL TECHIES TOWN TOWER C"** which is developed by **"GM INFINITE DWELLING PVT LTD.,"**. This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 05/02/2019. The developer is hereby directed to return Rs.5,60,000/- to the complainant paid in pursuance of purchase of the flat within 30days from today. If not, It will carry interest @10.75% from 31<sup>st</sup> day.

The developer is hereby directed to return Rs.5,60,000/- with for which interest of @ 10.75% per annum from 05/03/2019 to till 10/10/2022 which interest comes as Rs.2,15,236/-.

The developer is also directed to pay Rs.5,000/- as cost of this case.

Already developer has paid an amount of Rs.2,95,000/- through K-RERA dated:10/06/2022 to the complainant.

Total amount due from the developer which comes is **Rs.4,85,236/-**.

The complainant has given a representation with memo of calculation Email dated:11/10/2022. 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.

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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33)	<p>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"</p> <p>When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 05/02/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following:</p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of <b>Rs.4,85,236/-</b>. Which is treated as arrears of land revenue from the developer <b>"GM INFINITE DWELLING PVT LTD.,"</b> 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 10/10/2022. Office is hereby directed to mention in the recovery warrant.</p> <p>As to the recovery of future interest on the amount of Rs. Rs.5,60,000/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 11/10/2022 to till realization.</p> <p style="text-align: right;">               (I.F. BIDIRI)  <b>Adjudicating Officer</b> </p>