



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ

CMP No. 3187

ಪುಟ ಸಂಖ್ಯೆ

- 16 -

ವಿಷಯ

G. R. SHETTY

PETUNIA

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 01/12/2022

Execution Order : CMP/UR/190603/0003187

Complaint under Section 31 of RERA Act has been initiated by the complainant **"G R SHETTY"** who is the buyer under the project **"PETUNIA"** which is developed by **"ASHRAYA BUILDERS AND PROMOTERS - RAMESH MOILY AND PRASANNA BEKAL"**. This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 04/07/2022 . The respondents are hereby directed to pay compensation to the complainant Mr. G. R. Shetty in respect of Apartment No.303 mentioned in agreement dated: 06.12.2015 by way of interest @ 9% per annum on respective amounts from the respective dates of receipt of such amounts till payment of entire amount towards financial loss/loss of investment opportunity.

According to him , he had paid Rs.47,70,700/- for which he has calculated the interest @9% per annum from December 2015 to September 2022 which interest comes as Rs.29,33,980/-

The respondents are directed to pay compensation of Rs. 1,00,000/- (Rupees One Lakh Only) to the complainant towards mental pain and agony.

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.30,38,980/-.



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 3187

ಪುಟ ಸಂಖ್ಯೆ -17-

ವಿಷಯ G. R. SHETTY
PETUNEA

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

The complainant has given a representation with memo of calculation dated:20.10.2022 through helpdesk. 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"

When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 04/07/2022 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. 30,38,980/-Which is treated as arrears of land revenue from the developer **"ASHRAYA BUILDERS AND PROMOTERS - RAMESH MOILY AND PRASANNA BEKAL"**. and the same has to be recovered by

29)



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ

CMP No 3187

ಪುಟ ಸಂಖ್ಯೆ

-18-

ವಿಷಯ

G. R SIKHTY

PETUNIA

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 September 2022.

As to the recovery of future interest on the amount of Rs. Rs.47,70,700- @9% per annum, whenever it falls due, from October 2022 to till realization. Office is hereby directed to mention in the recovery warrant.

(I.F BIDIRI)

Adjudicating Officer