



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP NO. 0543

ಪುಟ ಸಂಖ್ಯೆ -12-

ವಿಷಯ Leela Poduri
..... Hanging Gardens

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| 17 | <p>Date: 07/01/2023</p> <p>Execution Order :</p> <p><u>CMP/180304/0000543</u></p> <p>Complaint under Section 31 of RERA Act has been initiated by the complainant "LEELA PODURI" who is the buyer under the project "HANGING GARDENS" which is developed by "M/S PRISHA PROPERTIES INDIA PVT LTD". This complaint was filed by the complainant claiming for delay compensation. After hearing the parties, order was passed on 24/08/2018 by directing the developer to Rs 10/- per sq.ft. for monthly from August 2016 to April 2017 and Rs 15/- per sq. ft. for monthly from may 2017 to till the possession of the allotted flat.</p> <p>According to him as Rs 10/- per sq.ft. for monthly from 1st August 2016 to 30th April 2017 the amount has comes as Rs 1,83,150/- and from 1st May 2017 to 30th November 2022 the amount has comes as Rs.20,45,175/-.</p> <p>Total compensation cost amount due from the developer which comes is Rs.22,28,325/-.</p> <p>The complainant has given a representation with memo of calculation since the developer failed to comply with the same. There is no appeal.</p> <p>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;</p> |



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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 24/08/2018 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.22,28,325/-. Which is treated as arrears of land revenue from the developer "**M/S PRISHA PROPERTIES INDIA PVT LTD**" 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 30/11/2022. Office is hereby directed to mention in the recovery warrant. As to the recovery of future Rs 15/- per sq. ft. for monthly whenever it falls due, to till the possession of the allotted flat.

(Signature)
(I.F. BIDIRI)

Adjudicating Officer