



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ

CMP No. 996/A

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Archana Patil

SJR Prime Corporation Pvt. Ltd.

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ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

**Date: 13/01/2023**

**Execution Order : CMP/180703/0000996A**

Complaint under Section 31 of RERA Act has been initiated by the complainant **"ARCHANA PATIL"** who is the buyer under the project **"SJR PRIME CORPORATION PVT LTD.,"** which is developed by **"SJR PRIME CORPORATION PVT LTD"**. This complaint was filed by the complainant claiming delay compensation. After hearing the parties, order was passed on 11/08/2022. The developer is hereby directed to pay compensation to the complainant 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 loss of interest or a reasonable return on her investment. The respondent is directed to pay compensation of Rs.1,00,000/- (Rupees one lakh only) to the complainant towards mental pain and agony.

According to Complainant, the developer has to pay Rs.8,64,623/- delay compensation commencing from 23/09/2013 till 31/12/2022 by way of interest@9% per annum on respective amounts from the respective dates of receipt.

According to Complainant, the developer has to pay Rs.17,88,118/- delay compensation commencing from 07/04/2015 till 31/12/2022 by way of interest@9% per annum on respective amounts from the respective dates of receipt.

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.27,57,741/-.



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The complainant has given a representation with memo of calculation on email dated.03/01/2023. 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 11/08/2022 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.27,57,741/-.Which is treated as arrears of land revenue from the developer "**SJR PRIME CORPORATION 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.





## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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The above amount has been calculated up to 31/12/2022. Office is hereby directed to mention in the recovery warrant.

As to the recovery of future on the amount of Rs. Rs.43,59,034/-. whenever it falls due, from January 2023 to till realization.

*(Signature)*  
13/1/23  
(I.F BIDIRI)

**Adjudicating Officer**