



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP no. 230

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ

Renu Goel

Eshanya Green valley

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ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date:18.01.2023

Execution Order :

CMP/171118/0000230

Complaint under Section 31 of RERA Act has been initiated by the complainant **"RENU GOEL"** who is the buyer under the project **"ESHANYA GREEN VALLEY"** which is developed by **"ESHANYA PROJECT PVT LTD"**. This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 23/12/2020 by directing the developer to return Rs.1,00,000/- 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. Further the developer is directed to pay simple interest @ 2% above MCLR of SBI commencing from May 2017 till realization.

According to him he has paid Rs 1,00,000/- which interest of @ 9% per annum on the said amount which interest totally comes from 07/12/2015 to till 30/04/2017 is Rs.12,600/- and @ 2% above the MCLR of SBI for annum from 01/05/2017 to till 17/01/2023 which interest comes as Rs.51,484/-.

The developer is also directed to pay Rs.5000/- as cost of this case.Total amount due from the developer which comes is Rs 1,69,084/-

The complainant has given a representation with memo of calculation since the developer failed to comply with the same.

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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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 23/12/2020 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 1,69,084/-. Which is treated as arrears of land revenue from the developer **"ESHANYA PROJECT 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 17/01/2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.1,00,000/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 18/01/2023 to till realization.

(I.F BIDIRI)

Adjudicating Officer