



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP NO. 1312

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Srinivas Gopalan
Temple Tree

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ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 31/01/2023

Execution Order : CMP/180924/0001312

Complaint under Section 31 of RERA Act has been initiated by the complainant **"SRINIVAS GOPALAN"** who is the buyer under the project **"TEMPLE TREE"** which is developed by **"ARV INFRASTRUCTURES"**. This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 30/11/2018 by directing the developer to pay compensation to the complainant by way of interest @ 9% per annum from June 2016 till April 2017 and also directed to pay the interest by way compensation @10.25% on the sum paid by the complainant commencing from 01/05/2017 till the notice for possession is issued.

According to him he had paid total sum is Rs.69,05,228/- for which he has calculated the interest @9% for annum from 01/06/2016 to 30/04/2017 which interest comes as Rs.5,68,688/-.

According to him for which he has calculated the interest @ 10.25% per annum from 01/05/2017 to till 31/01/2023 which interest comes as Rs.40,74,132/-

Total amount due from the developer which comes is Rs.46,42,820/-.

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 30/11/2018 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.46,42,820/-. Which is treated as arrears of land revenue from the developer **"ARV INFRASTRUCTURES"** 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 31/01/2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.69,05,228/- @10.25% per annum interest whenever it falls due, from 01/02/2023.

31/1/22

(I.F BIDIRI)

Adjudicating Officer