



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ

CMP No. 2327

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Arjun. M.S.

Roshan Gardenia Apartment

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ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 07/01/2023

Execution Order :

CMP/190301/0002327

Complaint under Section 31 of RERA Act has been initiated by the complainant **ARJUN M S** who is the buyer under the project "**ROSHAN GARDENIA APARTMENT**" which is developed by "**M RAMU**" complainant claiming refund with interest. After hearing the parties, order was passed on 01/07/2019 by directing the developer to pay Rs.12,00,000/-/- together with interest @ 9% per annum on the respective payment on the respective date till 30/04/2017 and @ 10.75% per annum from 01/05/2017 till the realisation.

The complainant has calculated the total amount paid by him was on 14/03/2017 is Rs.12,00,000/- from 14/02/2017 to 14/03/2017 with interest of @ 9% per annum on the said amount which interest totally comes to Rs.15,719/- and from 01/05/2017 to 31/08/2022 with interest of @ 10.75% per annum the said amount paid which interest totally comes to Rs.6,88,816/-.

According to him the loan, with its interest, EMI paid by the complainant and Bank loan principal outstanding amount is Rs.97,08,481/-

The developer is also directed to pay Rs.5000/- as cost of this case.

Total amount due from the developer is Rs.1,16,18,016/-.



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- 25 -

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The complainant has given a representation with memo of calculation 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 01/07/2019 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.1,16,18,016/-. Which is treated as arrears of land revenue from the developer "**M RAMU**" 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 31/08/2022.

Office is hereby directed to mention in the recovery warrant.



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ಪುಟ ಸಂಖ್ಯೆ - 26 -

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As to the recovery of future interest on the amount of Rs.12,00,000/- @10.75% per annum simple interest whenever it falls due, from 01/09/2022 to till realization.

(I.F BIDIRI)

Adjudicating Officer

47/70.B.