



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 0396

ಪುಟ ಸಂಖ್ಯೆ -7-

ವಿಷಯ Jerome Jude Arokiaraj Jacob Selvaraj
Hanging Gardens

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Date:03.01.2023

Execution Order :

CMP/180112/0000396

Complaint under Section 31 of RERA Act has been initiated by the complainant **"JEROME JUDE AROKIJARAJ JACOB SELVARAJ"** who is the buyer under the project **"HANGING GARDENS"** which is developed by **"HANGING GARDENS BY PRISHA PROPERTIES PVT LTD"**. This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 27/06/2018 by directing the developer to return Rs.5,00,000/- within 60 days from June 2017. If not, it will carry interest @10.50% p.a. till the realization.

According to him as he has paid Rs.5,00,000/- for which interest of @ 10.50% p.a. from June 2017 to 31st December 2022 which interest comes as 2,93,125/-.

Total amount due from the developer which comes is Rs.7,93,125/-.

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



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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 27/06/2018 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.7,93,125/-. Which is treated as arrears of land revenue from the developer **"HANGING GARDENS BY PRISHA PROPERTIES 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 31st December 2022. Office is hereby directed to mention in the recovery warrant.

As to the recovery of future interest on the amount of Rs. Rs.5,00,000/- @10.50% per annum interest whenever it falls due, from 01/01/2023 to till realization.


(I.F. BIDIRI)

Adjudicating Officer

7 U/s

