



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP NO. 1239

ಪುಟ ಸಂಖ್ಯೆ -12-

ವಿಷಯ Arvind Arya

Shilpitha Royal

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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Date: 18/01/2023

Execution Order :

CMP/180905/0001239

Complaint under Section 31 of RERA Act has been initiated by the complainant **"ARVIND ARYA"** who is the buyer under the project **"SHILPITHA ROYAL"** which is developed by **"MAITHRI DEVELOPER"**. This complaint was filed by the complainant claiming to DG relocation to designated place. After hearing the parties, order was passed on 16/08/2019 by directing the developer to relocate the DG set immediately since the same is not supported from the plan and pay Rs.10,000/- per month as compensation from the date of this complaint till the DG set is located at a proper place.

The complainant has given a representation on 11/01/2023 to this authority to take action against the developer for recovery of the said amount since the developer failed to comply with the order.

On the basis of the representation, notice was issued to the developer to appear before the Adjudicating Officer on 11/12/2019, the complainant was present but the developer remained absent and developer failed to return the amount. Therefore, the matter was posted for orders.

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 16/08/2019 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.5,25,000/-. Which is treated as arrears of land revenue from the developer **"MAITHRI DEVELOPER"** 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 December 2022. Office is hereby directed to mention in the recovery warrant. As to the recovery of future Rs 10,000/- per month from January 2023. whenever it falls due, to till the DG set is located at a proper place.

(Signature)
(I.F BIDIRI)
Adjudicating Officer