



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 9926

ಪುಟ ಸಂಖ್ಯೆ -10-

ವಿಷಯ Vaishali Ajay Thete
Mittal Palms

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

14)

Date: 31/03/2023

Execution Order : CMP/220822/0009926

Complaint under Section 31 of RERA Act has been initiated by the complainant **"VAISHALI AJAY THETE"** who is the buyer under the project **"MITTAL PALMS"** which is developed by **"TRISHUL DEVELOPERS"**. This complaint was filed by the complainant claiming compensation by way of interest. After hearing the parties, order was passed on 28/11/2022 by directing the developer to pay compensation to the complainant by way of interest @ 9% per annum on respective amounts from the respective dates of receipt of such amounts till payment of entire amount towards loss of interest or a reasonable return on their investment and also towards collecting booking amount and part consideration amount without informing about the de-notification of the approach road.

According to him he had paid total sum is Rs.81,86,750/- for which he has calculated the interest @9% for annum from 13.06.2013 to 14.12.2015, which interest comes as Rs.67,12,601/-.

The respondents are directed to pay compensation of Rs. 1,00,000/- (Rupees One Lakh Only) to the complainants towards mental pain and agony.

The respondents shall have to pay an amount of Rs.5,000/- (Rupees fifty thousand only) to the complainants towards cost of litigation.

Total amount due from the developer which comes is Rs.68,17,601/-.

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



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ಕಡತದ ಸಂಖ್ಯೆ CMP No 9926

ಪುಟ ಸಂಖ್ಯೆ ೧೧

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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 28.11.2022 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.68,17,601/-. Which is treated as arrears of land revenue from the developer **"TRISHUAL DEVELOPERS"** 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 24.02.2023. Office is hereby directed to mention in the recovery warrant.




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ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
	<p>As to the recovery of future interest on the amount of Rs. Rs.81,86,750/- @ 9% per annum interest whenever it falls due, from 25/02/2023.</p> <p style="text-align: center;"> (I.F. BIDIRI) Adjudicating Officer</p> <p>೧) > U.S.</p>