



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 5693

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Ghanshyam Gehlot
Mantri Webcity 3C

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Date: 31/03/2023

Execution Order :CMP/200312/0005693

Complaint under Section 31 of RERA Act has been initiated by the complainant **"GHANSHYAM GEHLOT"** who is the buyer under the project **"MANTRI WEBCITY 3C"** which is developed by **"MANTRI DEVELOPERS PVT. LTD.,"**. This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 26/08/2021 by directing the developer to pay delay compensation to the complainant from 01.05.2018 by way of interest @2% per annum above the MCLR of SBI , on respective amounts from the dates of receipt of respective amounts till the handing over of the possession of the flat with Occupancy certificate.

According to him as upto 14/11/2022 he had paid total Rs.97,28,181/- for which he has calculated the interest @ 2% above the MCLR of SBI for annum from 01.05.2018 to till February 2023, which interest comes as Rs.35,78,667/-

Total amount due from the developer which comes is Rs.35,78,667/-.

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 26/08/2021, 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.35,78,667/-. Which is treated as arrears of land revenue from the developer **"MANTRI DEVELOPERS 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 February 2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs.97,28,181/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from March 2023 to till possession.

ATE
31/3/23

(I.F BIDIRI)

Adjudicating Officer