



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ

CMP No. 10133

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Praveen Gopinathan

Mirabilis

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Date: 06/05/2023

Execution Order : CMP/221027/0010133

Complaint under Section 31 of RERA Act has been initiated by the complainant **"PRAVEEN GOPINATHAN"** who is the buyer under the project **"MIRABILIS"** which is developed by **"KOLTE PATIL DEVELOPERS LTD"**. This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 17.02.2023, directed to pay compensation of Rs.25,000/- (Rupees Twenty Five Thousand only) to the complainant within 45 days from order date failure to which it will carry 6% interest per annum till payment of the said entire amount.

According to Complainant, amount due as compensation from 17.02.2023 until 02.04.2023 is Rs 25000/- and interest to be charged @6% per annum. Interest component accrued as on 24.04.2023 is Rs 125/-. Total amount of compensation including interest component Rs 25,125/-

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

Total amount due from the developer which comes is Rs. 30,125/-.

The complainant has given a representation with memo of calculation dt:24.04.2023, 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 17.02.2023 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. 30,125/-. Which is treated as arrears of land revenue from the developer "**KOLTE PATIL DEVELOPERS 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 24.04.2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.25,000/- @6% interest per annum, whenever it falls due, from 25.04.2023.


(I.F. BIDIRI)

Adjudicating Officer