



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ

CMP No. 3847

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Sumeet malhotra

Mantri Webcity 3A

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Date: 06/05/2023

Execution Order : CMP/190823/0003847

Complaint under Section 31 of RERA Act has been initiated by the complainant **"SUMEET MALHOTRA"** who is the buyer under the project **"MANTRI WEBCITY3A"** which is developed by **"MANTRI DEVELOPERS PRIVATE LIMITED"**. This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 06.03.2020 by directing the developer to pay compensation to the complainant by way of interest @ 2% above the MCLR of SBI as on the total amount paid by the complainant commencing from June 2018 till the possession is delivered after obtaining Occupancy certificate.

According to him he had paid total sum to the developer is Rs.81,65,824/- for which he has calculated the interest @2% above the MCLR of SBI per annum from 01.06.2018 to 30.04.2023, which interest comes as Rs.39,13,219/-.

The developer is also directed to pay Rs.5000/- as cost of this case.

Total amount due from the developer which comes is Rs. 39,18,219/-.

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 06.03.2020 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. 39,18,219/-. Which is treated as arrears of land revenue from the developer **"MANTRI DEVELOPERS PRIVATE LIMITED"** 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 30.04.2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.81,65,824/- @2% above the MCLR of SBI per annum whenever it falls due, from May 2023.


(I.F. BIDIRI)

Adjudicating Officer