



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP NO. H824

ಪುಟ ಸಂಖ್ಯೆ - 6 -

ವಿಷಯ Kavitha Karamalaputi
"Aryan Golden Arena - F"

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date:06.05.2023

Execution Order :CMP/191201/0004824

Complaint under Section 31 of RERA Act has been initiated by the complainant **"KAVITHA KARAMALAPUTI"** who is the buyer under the project **"ARYAN GOLDEN ARENA - F"** which is developed by **"ARYAN HOMETEC PVT LTD"**. This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 06/06/2020 by directing the developer to return Rs.1,66,819/- to the complainant with simple interest @ 2% above MCLR of SBI on the amount paid from today till the realization of entire amount.

According to him he has paid Rs 1,66,819/- which interest of @ 2% above the MCLR of SBI per annum from June 2020 to February 2023, which interest comes as Rs.41,287/-.

According to him the discharge bank loan with its interest, EMIs due, EMI paid by the complainant on behalf of the developer and statutory charges totally its comes to Rs 22,27,103/-.

The developer is also directed to pay Rs.5000/- as cost of this case. Total amount due from the developer which comes is Rs 24,40,209/-

The complainant has given a representation with memo of calculation dt:02/03/2023, 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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ಕಡತ ಸಂಖ್ಯೆ CMP No. 4824

ಪುಟ ಸಂಖ್ಯೆ - 7 -

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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 06/06/2020 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 24,40,209/-. Which is treated as arrears of land revenue from the developer "**ARYAN HOMETEC 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. 1,66,819/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from March 2023 to till realization.

6/5/23.
(I.F BIDIRI)

Adjudicating Officer