



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP No. 9487

ಪುಟ ಸಂಖ್ಯೆ - 09 -

ವಿಷಯ JOSEPH ANAND

VSPL CRESCENT

| ಕಂಡಿಕೆ ಸಂಖ್ಯೆ | ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು |
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| 12 | <p>Date: 06.05.2023</p> <p>Execution Order : CMP/220520/0009487</p> <p>Complaint under Section 31 of RERA Act has been initiated by the complainant "L JOSEPH ANAND" who is the buyer under the project "VSPL CRESCENT" which is developed by "M/S VSPL PROJECTS PVT. LTD"., This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 06/12/2022 .The respondent is hereby direct to pay compensation of Rs.5,00,000/- (Rupees Five lakhs only) to the complainants in lieu of for not completing some of the amenities shown in the copy of the flat handover check list dated: 05.03.2021 and Rs.1,00,000/- towards mental pain and agony with 9% P.A., interest thereon from 18.02.2021 till payment of said amount.</p> <p>The respondent is hereby direct to pay compensation of Rs.1,00,000/- towards mental pain and agony for which he has calculated the interest @9% per annum from 18.02.202 to 18.04.2023, which interest comes as Rs.19500/-.</p> <p>The developer is also directed to pay Rs.5,000/- as cost of this case.</p> <p>Total amount due from the developer which comes is Rs. 6,24,500/-.</p> <p>The complainant has given a representation with memo of calculation dt: 05.05.2023, since the developer failed to comply with the same.</p> <p>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;</p> |



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Joseph Anand
VSPL Crescent

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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 06.12.2022 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. 6,24,500/-. Which is treated as arrears of land revenue from the developer "M/S VSPL PROJECTS 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 18.04.2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.1,00,000/- @9% per annum interest whenever it falls due, from 19.04.2023.


(I.F. BIDIRI)

Adjudicating Officer