



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP No 3287

ಪುಟ ಸಂಖ್ಯೆ - 7 -

ವಿಷಯ Paul Varghese

Elegant Mount Sennai

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
10)	<p><u>Date:06.05.2023</u></p> <p><u>Execution Order :</u></p> <p><u>CMP/190801/0003287</u></p> <p>Complaint under Section 31 of RERA Act has been initiated by the complainant "PAUL VARGHESE" who is the buyer under the project "ELEGANT MOUNT SINNAI" which is developed by "ELEGANT PROPERTIES". This complaint was filed by the complainant claiming delay compensation. After hearing the parties, order was passed on 13/03/2020 by directing the developer to pay delay compensation to the complainant from September 2018 by way of Simple interest @2% per annum above the MCLR of SBI , on the total amount paid by the complainant till possession is delivered after obtaining occupancy certificate with all amenities.</p> <p>According to him he has paid Rs 62,50,000/- which interest of @ 2% above the MCLR of SBI for annum from 01/09/2018 to 28/02/2023, which interest comes as Rs. 27,42,187/-.</p> <p>The developer is also directed to pay Rs.5000/- as cost of this case.</p> <p>Total amount due from the developer which comes is Rs 27,47,187/-</p> <p>The complainant has given a representation with memo of calculation dt: 28/02/2023, 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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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 13/03/2020 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 27,47,187/-. Which is treated as arrears of land revenue from the developer **"ELEGANT PROPERTIES"** 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 28/02/2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.62,50,000/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 29/02/2023 to till possession is delivered after obtaining occupancy certificate with all amenities.


(I.F. BIDIRI)

Adjudicating Officer