



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP No. 4380

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ Malyaj Kaloni
Nitesh Columbus Square Phase II

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 03/06/2023

Execution Order : CMP/191002/0004380

Complaint under Section 31 of RERA Act has been initiated by the complainant "**MALYAJ KALONI**" who is the buyer under the project "**NITESH COLUMBUS SQUARE PHASE II**" which is developed by "**NITESH HOUSING DEVELOPERS PRIVATE LIMITED**". This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 04/01/2020 by directing the developer to pay refund to the complainant by way of interest @ 9% on the respective amount paid on the respective date till 30/04/2017 and also directed to pay the interest by way refund @2% above the MCLR of SBI commencing from 01/05/2017 till realization of the same.

According to him he had paid total sum is Rs.15,58,886/- for which he has calculated the interest @9% for annum till 30/04/2017 ,which interest comes as Rs.5,06.414/-.

According to him for which he has calculated the interest @ @2% above the MCLR of SBI till realization of the same, which interest comes as Rs.8,88,939/-

According to him the developer is also directed to discharge loan amount with its interest, EMI if any is paid by complainant and other statutory charges is Rs 21,96,018/- and loan amount is Rs 47,44,908/-

According to him loan outstanding as on 31.01.2023 is Rs 29,70,063/-.

The developer is also directed to pay Rs.5,000/- as cost of this case.



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Total amount due from the developer which comes is Rs.1,28,70,228/-/-.

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;

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 04/01/2020 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following



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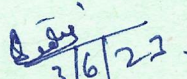
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ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.1,28,70,228/-. Which is treated as arrears of land revenue from the developer **"NITESH HOUSING 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 31/01/2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.15,58,886/- @2% above the MCLR of SBI till realization of the same. whenever it falls due, from 01/02/2023.


3/6/23

(I.F. BIDIRI)

Adjudicating Officer