



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP NO. 8444

ಪುಟ ಸಂಖ್ಯೆ -13-

ವಿಷಯ

Dr. Niranjana Y.C.

Tirumala Sunidhi Desire

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 08/08/2023

Execution Order : CMP/UR/211016/00008444

Complaint under Section 31 of RERA Act has been initiated by the complainant **"DR. NIRANJANA Y.C"** who is the buyer under the project **"TIRUMALA SUNIDHI DESIRE"** which is developed by **"M/S. SHREE MOOKABAIKA BUILDERS & DEVELOPERS"**. This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 26.04.2023, directed to pay compensation of Rs. 15,00,000/- (Rupees Fifteen Lakhs only) to the complainant within 45 days from order date failure to which it will carry 6% interest per annum till payment of the said amount.

The respondent No.2 is hereby directed to pay compensation of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the complainant and interest to be charged @6% per annum. Interest component accrued from 11.06.2023 to 31.07.2023 is Rs 12,575/-.

The respondents shall have to pay an amount of Rs.5,000/- (Rupees Five Thousand only) to the complainant towards cost of litigation.

Total amount due from the developer which comes is Rs. 15,17,575/-.

The complainant has given a representation with memo of calculation dt:03.08.2023, 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;



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP NO. 8444

ಪುಟ ಸಂಖ್ಯೆ -14-

ವಿಷಯ Dr Niranjan. Y. C.
Tirumala Sunrishi Desire

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 26.04.2023 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.15,17,575/-. Which is treated as arrears of land revenue from the developer "**M/S. SHREE MOOKABIKA BUILDERS & DEVELOPER**" 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 31.07.2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.15,00,000/- @6% interest per annum, whenever it falls due, from 01.08.2023.


(I.F. BIDIRI)

Adjudicating Officer