



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ Ap-931

ಪುಟ ಸಂಖ್ಯೆ 9

ವಿಷಯ Regarding Execution of Order.

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

13)

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Shivaraj N Arali who is the consumer under the project "Vasathi Avante" which is developed by "Vasathi Housing Ltd.," This complaint was filed by the complainant for claiming refund of Rs. 71,79,231/- along with interest @24% p.a as the developer has failed to complete the project on time. After hearing the parties, order was passed on 31/10/2018 by directing the developer to return entire amount along with interest @10.25% commencing from 01/05/2017 till the realization of full amount. Further to provide necessary documents in case the developer has paid GST amount.

The complainant has given a representation on 16/01/2019 to this authority to take action against the developer for recovery of the said amount since the developer failed to comply with the order.

On the basis of the representation, notice was issued to the developer to appear before the Adjudicating Officer on 23/01/2019, the advocate representing the developer was present. On 05/02/2019, the advocate representing the developer was present and submitted that after the sale of the flat, amount will be returned. This is not correct on the part of the developer. Hence the matter is posted for orders.



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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 31/10/2018 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-



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ವಿಷಯ Vasathi Avante

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ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 71,79,231/- towards principal amount, Rs. 13,49,097/- payable towards interest @10.25% which totally comes to Rs. 85,28,328/- which is treated as arrears of land revenue from the developer "Vasathi Housing 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 recovered in the name of the complainant Mr. Shivaraj N Arali .

Adjudicating Officer