



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ

CMP NO. 3534

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Guru.R.

Sky Gold Elegance

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ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 21.09.2023

Execution Order : CMP/190808/0003534

Complaint under Section 31 of RERA Act has been initiated by the complainant **"GURU R"** who is the buyer under the project **"SKYGOLD ELEGANCE"** which is developed by **"SKYGOLD PROPERTIES PVT LTD"**. This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 20.01.2020 by directing the developer to pay compensation to the complainant by way of interest @ 9% per annum on the total amount paid as on August 2016 till 30.04.2017 and @2% per annum above the MCLR of SBI on the total amount paid by the complainant from 01.05.2017 till 10.09.2019 .

According to him as upto August 2016 he had paid Rs.29,37,115/- for which he has calculated the interest @9% for annum from August 2016 to April 2017, which interest comes as Rs.1,98,255/-.

According to him as upto May 2017 he had paid Rs.39,16,589/- for which he has calculated the interest @ 2% above the MCLR of SBI for annum from May 2017 to till July 2017, which interest comes as Rs.96,935/- and upto August 2017 he had paid Rs.42,00,062/- for which he has calculated the interest @ 2% above the MCLR of SBI for annum from August 2017 to till September 2019, which interest comes as Rs.8,66,262/-

Total amount due from the developer which comes is Rs.11,61,452/-.



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The complainant has given a representation with memo of calculation dt:11/08/2023, 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;

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 20.01.2020 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. 11,61,452/-. Which is treated as arrears of land revenue from the developer **"SKYGOLD PROPERTIES 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.



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The above amount has been calculated up to September 2019.

Office is hereby directed to mention in the recovery warrant.


(I.F. BIDIRI)

Adjudicating Officer