



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP No. 3064

ಪುಟ ಸಂಖ್ಯೆ 11

ವಿಷಯ SUSHIL TOLANI
Hanging Gardens

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
102	<p>Date: 04.11.2023</p> <p>Execution Order :</p> <p>CMP/190516/0003064</p> <p>Complaint under Section 31 of RERA Act has been initiated by the complainant "SUSHIL TOLANI" who is the buyer under the project "HANGING GARDENS" which is developed by "PRISHA PROPERTIES INDIA PVT. LTD". This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 11.10.2019 by directing the developer to pay compensation to the complainant by way of interest @ 9% per annum on respective amounts till 30.04.2017 and from 01.05.2017 @2% per annum above the MCLR of SBI on its home loans as on today till the possession is delivered after obtaining Occupancy certificate.</p> <p>The Previous Revenue recovery certificate was issued to DC of total recovery amount Rs 51,20,864/- calculated upto 10.01.2020.</p> <p>According to him he had amount paid to developer Rs 1,04,67,440/- for which he has calculated the interest @ 2% above the MCLR of SBI for annum from 10.02.2020 to till 10.09.2023 which interest comes as Rs.70,31,835/-</p> <p>Total amount due from the developer which comes is Rs.1,21,47,698/-.</p> <p>The complainant has given a representation with memo of calculation since the developer failed to comply with the same. There is no appeal. Objections called for but not filed.</p>



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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 23/08/2021 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.1,21,47,698/-. Which is treated as arrears of land revenue from the developer **"PRISHA PROPERTIES INDIA 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 10.09.2023

Office is hereby directed to mention in the recovery warrant.

As to the recovery of future interest on the amount of Rs. Rs.1,04,67,440/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from 10.09.2023 to till realization.

(I.F. BIDIRI)

Adjudicating Officer