



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP No. 1391

ಪುಟ ಸಂಖ್ಯೆ - 5 -

ವಿಷಯ Sudheer Ranga P. R.  
Roshan Gardenia Apartment

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
೯	<p><b><u>Date: 15.12.2023</u></b></p> <p><b><u>Execution Order :</u></b></p> <p><b><u>K-RERA No. CMP/181007/0001391 &amp;</u></b></p> <p><b><u>K-REAT APPEAL NO.363/2020</u></b></p> <p>Complaint under Section 31 of RERA Act has been initiated by the complainant <b>"SUDHEER RANGA P R"</b> who is the buyer under the project <b>"ROSHAN GARDENIA APARTMENT"</b> which is developed by <b>M. RAMU</b>. After hearing the parties, order was passed on 10.02.2021 by APPEAL (K - REAT) NO. 363/2020 was dismissed for non-depoisting the total amount payable to the allottee as per the impugned order in compliance of the proviso to section 43(5) of the RERA Act.</p> <p>This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 31/01/2020 (K-RERA) by directing the developer to pay Rs.8,14,364/- together with interest @ 9% per annum on the respective payment on the respective date till 30/04/2017 and @ 2% per annum above the MCLR of SBI commencing from 01/05/2017 till the realization of the entire amount.</p> <p>According to him, he had paid total Rs.8,14,384/- for which he has calculated the interest @ 2% above the MCLR of SBI for annum from 01/05/2017 to 01/12/2023, which interest comes as Rs.5,47,560.56/-.</p>



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According to him discharge loan amount along with interest , EMI due , EMI paid amount is Rs 44,13,081.31/- and Rs 27,97,791/- respectively. The developer is hereby directed to refund Rs 4,95,636/- to the complainant which was paid towards tax.

The developer is also directed to pay Rs.5000/- as cost of this case.

According to complainant , Respondent has deposited part - payment of Rs 32,60,000/- in the Karnataka Real Estate Appellate Tribunal (K-REAT) which may be deducted from the total due amount as this will be released separately to the complainant.

Total amount due from the developer which comes is Rs.58,13,452.87/-.

The complainant has given a representation with memo of calculation dt: 01/12/2023. 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"*





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When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the K-RERA order dated 31/01/2020 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.58,13,452.87/- Which is treated as arrears of land revenue from the developer **M. RAMU** 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 01/12/2023 .

Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. 8,14,384/- @ 2% above the MCLR of SBI for annum whenever it falls due, from 02/12/2023 to till realization of entire amount.

  
(I.F. BIDRI)

Adjudicating Officer