



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP NO. 5968

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ವಿಷಯ SRI. Manish Dharmadhikari

Vivansaa Baalsam

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Date:05.01.2024

Execution Order : CMP/200611/0005968

Complaint under Section 31 of RERA Act has been initiated by the complainant "Sri. Manish Dharmadhikari" who is the buyer under the project "VIVANSAA BAALSAM" which is developed by "VIVANSAA BAALSAM". This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 28.07.2021. The respondent is hereby directed to refund the part consideration amounts received by him from the complainant on different dates and to pay compensation to the complainant by way of interest @ 2% above the MCLR of SBI, on the respective amounts, from the respective dates of receipt of such amounts till payment of the entire amount.

According to him he has paid Rs 12,64,050/- which interest of @ 2% above the MCLR of SBI for annum from August 2017 to November 2023, which interest comes as Rs.5,64,036/-.

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

Total amount due from the developer which comes is Rs 18,33,086/-

The complainant has given a representation with memo of calculation, since the developer failed to comply with the same.



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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 28.07.2021 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 18,33,086/-. Which is treated as arrears of land revenue from the developer **"VIVANSAA BAALSAM"** 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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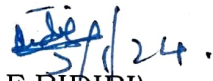
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ವಿಷಯ Smt. Manish Dharmadhikari
Vivansaa Bnalsam

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The above amount has been calculated up to November 2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.12,64,050/- @2% per annum above the MCLR of SBI simple interest whenever it falls due, from December 2023 to till payment of the entire amount.


(I.F. BIDIRI)
Adjudicating Officer