



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP No. 5392

ಪುಟ ಸಂಖ್ಯೆ 5

ವಿಷಯ Kripa. K. S.

Vasathi Avante

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ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date: 25.01.2024

Execution Order : CMP/200211/0005392

Complaint under Section 31 of RERA Act has been initiated by the complainant "**KRIPA K S**" who is the buyer under the project "**VASATHI AVANTE**" which is developed by "**VASATHI HOUSING LTD**". This complaint was filed by the complainant claiming Compensation. After hearing the parties, order was passed on 09/12/2020 by directing the developer is hereby directed to pay simple interest on the principal amount paid on the sale deed @ 2% above the MCLR of SBI commencing from February 2017 till the 18/08/2020.

According to him the total sale value is Rs 96,75,340/- which interest of @ 2% above the MCLR of SBI per annum from February 2017 to 18/08/2020, which interest comes as Rs.30,91,271/-.

According to him the delay compensation adjusted / paid by builder during sale registration is Rs 1,16,777/-

Total amount due from the developer which comes is Rs 29,74,494/-

The complainant has given a representation with memo of calculation dt:21/01/2024, 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;



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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 09/12/2020 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 29,74,494/-. 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 deposited in the office Account.

The above amount has been calculated up to 18/08/2020. Office is hereby directed to mention in the recovery warrant.

25/1/24

(I.F BIDIRI)

Adjudicating Officer