



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP No. 2506

ಪುಟ ಸಂಖ್ಯೆ 4

ವಿಷಯ Pradeep Cheruvaleth
Indya Estates

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Date:02.02.2024

Execution Order : CMP/190324/0002506

Complaint under Section 31 of RERA Act has been initiated by the complainant **"PRADEEP CHERUVALETH"** who is the buyer under the project **"THE GREENS"** which is developed by **"INDYA ESTATES"**. This complaint was filed by the complainant claiming refund with interest. After hearing the parties, order was passed on 19.07.2019 by directing the developer to return Rs.11,60,049/- to the complainant with interest 9% per annum on the respective amount paid on the respective date till 30.04.2017 and to pay simple interest @ 10.75% from 01.05.2017 till the realisation of entire amount.

The developer to return Rs.11,60,049/- to the complainant with interest of @ 9% per annum on the said amount which interest totally comes from 10/11/2014 to till 30/04/2017 is Rs 2,00,276/- and @ 10.75% simple interest per annum from 01/05/2017 to till 23.01.2024, which interest comes as Rs. 8,27,248/-.

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

Total amount due from the developer which comes is Rs 21,92,557/-

The complainant has given a representation with memo of calculation dt:23/01/2024, 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 19/07/2019 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 21,92,557/-. Which is treated as arrears of land revenue from the developer "**INDYA ESTATES**" 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 23.01.2024. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.11,60,049/- simple interest @10.75% per annum whenever it falls due, from 24.01.2024 to till realization.


(I.F. BIDIRI)
Adjudicating Officer