



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ

CMP NO. 5556

ಪುಟ ಸಂಖ್ಯೆ

- 05 -

ವಿಷಯ

Salu Thomas

Vasathi Avante

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಅದೇಶಗಳು

7

Date: 07.02.2024

Execution Order : CMP/200226/0005556

Complaint under Section 31 of RERA Act has been initiated by the complainant **"SALU THOMAS"** 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 10.12.2020 by directing the developer is hereby directed to pay simple interest on the amount paid by the complainant @ 9% above the MCLR of SBI commencing from January 2017 till the 30/04/2017 and @ 2% above the MCLR of SBI commencing from May 2017 till the date of sale deed.

Further the developer is directed to pay simple interest @ 2% above the MCLR on the principal amount paid on the sale deed from the date of sale deed till 16/07/2020.

According to him he had paid total Rs.65,24,169/- as per registered deed for which he has calculated the simple interest of 9% and 7.3% above the MCLR of SBI for annum from January 2017 to April 2017, which interest comes as Rs.3,54,480/- and simple interest of 2% and 7.3% above the MCLR of SBI for annum from May 2017 to February 2018, which interest comes as Rs. 5,05,623/-.



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP No. 5556

ಪುಟ ಸಂಖ್ಯೆ -06-

ವಿಷಯ Sahu Thomas

Vasanthi Avante

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

According to him he had paid total Rs.42,67,849/- as per saale deed for which he has calculated the simple interest of 2% and 7.3% above the MCLR of SBI for annum from March 2018 to 16.07.2020, which interest comes as Rs.9,43,884/-

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

According complainant, the developer has paid interim compensation amount of Rs 70,000/-.

Total amount due from the developer which comes is Rs.17,38,987/-.

The complainant has given a representation with memo of calculation, 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"



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP NO. 5556

ಪುಟ ಸಂಖ್ಯೆ - ೦೭ -

ವಿಷಯ Saku Thomas

Vasathi Avante

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 10/12/2020, 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.17,38,987/-. 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 16/07/2020. Office is hereby directed to mention in the recovery warrant.


(I.F. BIDIRI)

Adjudicating Officer