



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ

CMP NO. 490

ಪುಟ ಸಂಖ್ಯೆ - ೦೪ -

ವಿಷಯ

Santosh Heroorker & Vasavi Heroorker
"Unishore spacio"

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

117

Date: 15.12.2023

Execution Order: CMP/180218/0000490

Complaint under Section 31 of RERA Act has been initiated by the complainant **"SANTOSH HEROORKER, VASAVI HEROORKER"** who is the buyer under the project **"UNISHIRE SPACIO"** which is developed by **UNISHIRE BUILTECH LLP**. This complaint was filed by the complainant claiming compensation. After hearing the parties, order was passed on 25/08/2018.

According to him as he has paid total Rs.69,68,628/- for which interest of @ 10% p.a. from July 2019 to November 2023 which interest comes as Rs 30,77,810/-. Loss of rent got the possession of the flat from Unishire LLP by June 2019 is Rs 21,91,850/-

Total amount due from the developer which comes is Rs.52,69,660/-.

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;




ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP NO. 490

ಪುಟ ಸಂಖ್ಯೆ -08-

ವಿಷಯ Santosh Herwonder & Vasavi Herwonder
"Unishore space"

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
	<p>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"</p> <p>When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 25.08.2018 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following .</p> <p style="text-align: center;"><u>ORDER</u></p> <p>By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 52,69,660/-. Which is treated as arrears of land revenue from the developer "UNISHIRE BUILTECH LLP" 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.</p> <p>The above amount has been calculated up to 30/11/2023. Office is hereby directed to mention in the recovery warrant. As to the recovery of future interest on the amount of Rs. Rs.69,68,628/- @10% per annum interest whenever it falls due, from 01/12/2023 to till realization.</p> <p style="text-align: right;">  (I.F. BIDIRI) Adjudicating Officer </p>