



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 1124

ಪುಟ ಸಂಖ್ಯೆ 04

ವಿಷಯ Kiran Shivappa Japannavar

Nitesh Melbourne park

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CMP:1124

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.Kiran Shivappa Japannavar who is the buyer in the project under the project "Nitesh Melbourne Park" which is developed by "Nitesh Housing Developer Pvt. Ltd.," This complaint was filed by the complainant seeking for the relief for refund the amount. After hearing the parties, order was passed on 03/10/2018 by directing the developer to refund the amount of Rs. 4,00,000/-within 30 days. If not, it will carry the interest @10.25% per annum from 31st day till the realization.

The developer directed to pay interest @10.25% on the total amount paid by him from 03/11/2018 the complainant calculated @10.25%. On the total amount of Rs.4,00,000/-. From 03/11/2018 till 27/11/2020 which totally comes to Rs.85,872/-.

Therefore the total interest payable by the developer from 03/11/2018 to till 27/11/2020 Rs.85,872/-

Total amount due from the developer is which comes to Rs.85,872+4,00,000/- which comes total amount Rs.4,85,872/-



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The complainant has given a representation with memo of calculation since the developer failed to comply with the same. There is no appeal. Objections called for but developer not filed.

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 03/10/2018 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following



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ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.4,85,872/- which is treated as arrears of land revenue from the developer "Nitesh Housing Developer Pvt. 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 27/11/2020.

Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs.4,00,000/- @10.25% p.a. simple interest whenever it falls due, from 28.11.2020 to till realization.

(K.Palakshappa)
Adjudicating Officer

8)

Under Secretary

29/12/2020

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