

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಸಂಖ್ಯೆ: CMP 3296

ಪುಟ ಸಂಖ್ಯೆ: 6

Regarding Execution of Order

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Premchandran Nammili who is the consumer under the project "Oceanus Tranquil" which is developed by "Oceanus Dwellings Pvt. Ltd.," This complaint was filed by the complainant claiming for refund. After hearing the parties, order was passed on 26/09/2019 by directing the developer to return Rs.14,69,982/- to the complainant. The Developer is hereby directed to pay the interest @ the rate of 9% p.a. on the respective payment made on respective date till 30.04.2017. The Developer is also directed to pay the interest @ the 2% above the SBI Marginal lending interest on home loans on Rs.43,19,982/- commencing from 01.05.2017 till 30.06.2018. The Developer is also directed to pay the interest @ the 2% above the SBI Marginal lending interest on home loans on Rs.14,69,982/- commencing from 01.10.2018 till the date of realization. The Developer is also directed to deduct the amount paid under the head of delay compensation out of the amount payable to the Complainant. The Developer is also liable to pay cost of Rs.5,000/- to the Complainant.

The complainant has given a representation on 02/03/2020 to this authority to take action against the developer for recovery of the said amount since the developer failed to comply with the order.

On the basis of the representation, notice was issued to the developer calling for his objections through online to submit before 12/06/2020 on account of maintaining social distance as per SOP of this authority dated 04.06.2020. According to notice the developer has not submitted his reply. Therefore, the matter was posted for orders.



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ಕಡತದ ಸಂಖ್ಯೆ 3296

ಪುಟ ಸಂಖ್ಯೆ 7

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 26/09/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಸಂಖ್ಯೆ ೩೨೧/೬

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Regarding Exemption of Order

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 25,57,452/- which treated as arrears of land revenue from the developer "Oceanus Dwellings 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.

Adjudicating Officer
[Signature]