



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ ..... CMP 8458 .....

ಪುಟ ಸಂಖ್ಯೆ ..... 7 .....

ವಿಷಯ ..... Regarding Execution of Order .....

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಅಡ್ಡಲೇಖಗಳು

(1)

Complaint under Section 31 of RERA Act has been initiated by the complainant Jayeshkumar Patel who is the consumer under the project "Vivansaa Aurigaa" which is developed by "Vijcon Properties," This complaint was filed by the complainant claiming to refund the amount. After hearing the parties, order was passed on 14/10/2019 The complainant is hereby directed to refund Rs.3,87,876/-The developer shall discharge the bank loan of Rs.42,25,000/-with its interest, EMI if paid by the complainant and due if any and any statutory charges. Further the developer shall pay Rs. 5000/- as cost. The complainant shall execute the cancellation of agreement of sale after the entire amount is realized.

The complainant has given a representation on 10/1/2020 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 to appear before the Adjudicating Officer on 22/1/2020, the complainant was present but the developer remained absent . Therefore, the matter was posted for orders.

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



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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 14/10/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-

## ORDER

11.

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.46,12,876/- which treated as arrears of land revenue from the developer "Vijcon Properties," 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. (for attachment of property is address is attached with this order).

Adjudicating Officer

*[Signature]*  
17/6/2020