



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 3959

ಪುಟ ಸಂಖ್ಯೆ 4

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

6)

Complaint under Section 31 of RERA Act has been initiated by the complainant Michael Coelho who is the consumer under the project "Skyview" which is developed by "Sanchaya Land and Estate Pvt Ltd," This complaint was filed by the complainant claiming for refund. After hearing the parties, order was passed on 18/12/2019. The developer is hereby directed to return Rs. 15,41,632/-. The developer is directed to pay interest @ 9% p.a. on the respective amount paid on respective date till 30/04/2017. Further the developer is also directed to pay interest on the amount paid @ 2%p.a. above the MCLR of SBI from 1/05/2017 till the entire amount is realised. The complainant is hereby directed to execute cancellation of agreement of sale after the entire amount is realized. Further the developer has to pay Rs. 5,000/- towards cost of petition.

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 on or before 12/06/2020 on account of maintaining social distance as per SOP of this authority dated 04.06.2020. According to the said notice the developer has not submitted his objections/reply. Therefore, the matter was posted for orders.



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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 18/12/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:

ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 21,73,624/- which treated as arrears of land revenue from the developer "Sanchaya Land and Estate 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

3066100