

ಸಂಖ್ಯೆ COMP-918

ಪುಟ ಸಂಖ್ಯೆ 07

ವಸಾತಿ ಆವಾಂತೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಅಡೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. John Wesley Amose who is the consumer under the project "Vasathi Avante" which is developed by "Vasathi Housing Ltd.," This complaint was filed by the complainant for claiming delay compensation and the possession of the flat as the developer has failed to complete the project on time. After hearing the parties, order was passed on 15/10/2018 by directing the developer to pay Rs. 6 per Sq ft commencing from October 2016 till April 2017 and Rs. 12 from May 2017 till notice of possession is issued on the super built up area.

The complainant has given a representation on 22/12/2018 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 10/01/2019, Smt. Sapan, Advocate representing the developer was present. The case was posted to 24/01/2019 to comply with the order. On 24/01/2019, the Advocate for respondent was present but no sign of complying the order. Again on 25/01/2019, the respondent filed a memo and time was granted. On 1/2/2019, there was no sign of complying the order though the respondent was present. Hence the matter was posted for orders.

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 918
ವಿಷಯ Varathi Avanthi

ಪುಟ ಸಂಖ್ಯೆ 08

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 15/10/2018 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

COMP-918

John Wesley Amose K/s ಪುಟ ಸಂಖ್ಯೆ ೦೯

ಟಿಪ್ಪಣಿ ಮತ್ತು ಅಡೇಶಗಳು

ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 3,28,792/- to the complainant is treated as arrears of land revenue from the developer "Vasathi Housing 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 recovered in the name of the complainant Mr. John Wesley Amose.

Adjudicating Officer

Under
12) ^{Secretary}

17/2/19

13) ಕಂಪ್ಲೇಂಟ್ ಕಂಟ್ರಿ 11 ರಲ್ಲಿನ ಯೋಜನೆ A0 ರವರ ಧನಾಂತರಕ್ಕೆ
ಯುಕ್ತ ಕಂಟ್ರಿ 12 ರಲ್ಲಿನ ಕಾರ್ಯನಿರ್ವಹಣಾಧಿಕಾರಿ ಸೂಚನೆಯಂತೆ
ನಿರ್ದೇಶನವಾರಾಂತಿ ಭೋಗ ಅಂತಿಮವಾಗಿ ರೂ. 3,28,792/-
ಗಳನ್ನು ಭೂ ಕುಸಾಯಿ ಬಾಕಿ ಎಂಬ ಹೆಸರಿನಲ್ಲಿ ಪಡೆದುಕೊಳ್ಳಲು