



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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Complaint under Section 31 of RERA Act has been initiated by the complainant Ancesh Raj who is the consumer under the project "Skylark Ithaca" which is developed by "Ithaca Estates Private Limited.," This complaint was filed by the complainant claiming to Exit option, Amount repayment cancel RERA Reg. After hearing the parties, order was passed on 22/04/2019 The developer is directed to pay the amount of Rs. 10,58,029/- with interest at the rate of 9% p.a. from the respective amount paid on the respective date till 30/04/2017 and interest @10.75% P.A from 1/5/2017 till the entire amount is realized. The developer is also directed to discharge Loan amount, EMIs and interest, if any raised in the name of the complainant. The complainant shall execute the cancellation of agreement deed after the entire amount is realized.

The complainant has given a representation on 21/01/2020 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 05/01/2020, the complainant was not present and the developer was present and failed to return amount 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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ಕಡತದ ಸಂಖ್ಯೆ 1851.

ಪುಟ ಸಂಖ್ಯೆ 8.

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ  
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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 22/04/2019 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.66,80,736/- which treated as arrears of land revenue from the developer "Ithaca Estates Private Limited.," 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 bearing Account.

Adjudicating Officer

*[Signature]*