



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ CMP ೨೨೪೫

ಪುಟ ಸಂಖ್ಯೆ ೧

ಪ್ರಯ Regarding Execution of Order

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15)

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Cony Louis Dsilva who is the consumer under the project "Nitesh Columbus Square Phase II" which is developed by "Nitesh Housing Developers Pvt.Ltd.," This complaint was filed by the complainant claiming refund of money. After hearing the parties, order was passed on 19/09/2019 by directing the developer to pay Rs. 20,00,000/- to the Complainant. The developer is hereby directed to pay the interest @ 9% p.a. on the respective amount paid on the respective date prior to 01/05/2017 and @ 2% p.a. above the SBI marginal rate of interest on home loan commencing from 01/05/2017 till realization. The developer is also directed to discharge the home loan with its interest EMI paid by the Complainant and due if any along with any other statutory charges. The Complainant is directed to execute the Cancellation of Agreement of Sale after the entire amount is paid by the developer.

The complainant has given a representation on 28/11/2019 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 03/1/2020 the complainant and the developer was present. 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 Comp 0095

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ವಿಷಯ Regarding Exemption of Penalty

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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 19/09/2019 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.1,70,57,120.- which treated as arrears of land revenue from the developer "Nitesh Housing Developers 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 bearing Account. (for attachment of property address is attached with this order)

[Handwritten signature]
11/6/2019