

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ



ಸಂಖ್ಯೆ 3406

ಪುಟ ಸಂಖ್ಯೆ 5

ವಿಷಯ Regulating Exemption of Order

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Complaint under Section 31 of RERA Act has been initiated by the complainant Om Prakash Bang who is the consumer under the project "Unishire Weave" which is developed by "Unishire Promoters Pvt. Ltd.," This complaint was filed by the complainant claiming to refund of money. After hearing the parties, order was passed on 10/10/2019 The developer is directed to return Rs.30,25,954/-The developer is also directed to pay interest @ 9% prior to 30/04/2017 and @ 10.25% from 01/05/2017 till the realization.

The complainant has given a representation on 25/02/2019 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 10/03/2020, the complainant was present but the developer remained absent but the developer failed to return the 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 3406

ಪುಟ ಸಂಖ್ಯೆ 6

ವಿಷಯ Regarding Execution of Order

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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 10/10/2019 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.43,18,164/-which treated as arrears of land revenue from the developer "Unishire Promoters 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