



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ ...CMP 2190...

ಪುಟ ಸಂಖ್ಯೆ ...49...

ವಿಷಯ ...Regarding Exemption of order...

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

6)

Complaint under Section 31 of RERA Act has been initiated by the complainant Saptarshi Pathak who is the consumer under the project "Thirumala Lakshmi Vaibhav" which is developed by "Sri Chowdeshwari Projects," This complaint was filed by the complainant claiming to refund with interest. After hearing the parties, order was passed on 13/12/2019 by directing the developer to to return Rs, 15,50,000/- .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 developer is also hereby directed to discharge the loan with its interest, EMI and any other incidental charges on the flat. 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 17/02/2020 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 06/3/2020, the complainant was not present & the developer remained absent but developer failed to give refund 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 ...CMP.219.D.....

ಪುಟ ಸಂಖ್ಯೆ5.....

ವಿಷಯRegarding 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 13/12/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-

ORDER

6.

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.27,49,677/- which treated as arrears of land revenue from the developer "Sri Chowdeshwari Projects," 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. (for attachment of property E-mail copy is attached with this order)

9

Adjudicating Officer