



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP 2367

ಪುಟ ಸಂಖ್ಯೆ 7

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

17)

Complaint under Section 31 of RERA Act has been initiated by the complainant Anup Chandra shekar who is the consumer under the project "Unishire Weave" which is developed by "Unishire Promoters Private Limited.," This complaint was filed by the complainant claiming for delay compensation. After hearing the parties, order was passed on 08/07/2019 by directing the developer to return Rs.2,09,682/- the developer is also directed to pay interest on Rs.6,16,194/-@9% prior to 30.04.2017 and @ 10.25% from 1.05.2017 till the realization.

The complainant has given a representation on 20/09/2019 to this authority to take action against the developer for recovery of the said amount since the developer has failed to comply with the order. Accordingly recover warrant has been issued for the recovery of Rs. 31,57,705/- as per the recovery amount dated 9.11.2019.

Now the complainant has given a representation on 25.2.2020 stating that this authority has sent recovery warrant only in respect of Rs. 31,57,705/- but it his submission that loan amount of Rs. 19,20,000/- has not been included in the recovery warrant dated 9.12.2019.

On the basis of the representation given by the complainant, notice was issued to the developer to appear before the Adjudicating Officer on 06/03/2020. Accordingly the advocate representing the developer present and submitted that suitable orders may be passed.

As per the order passed by this authority dated 08.07.2019 the developer was directed to pay the amount payable to the complainant with simple interest @ 10.25%p.a. further the developer also directed to discharge the bank loan . based upon the same the complainant has given the representation on 25.02.2020 with memo of calculation .



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ಕಡತದ ಸಂಖ್ಯೆ CMP 2367

ಪುಟ ಸಂಖ್ಯೆ ೪

ವಿಷಯ Regarding Resumption of order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

While issuing the recovery warrant dated 19.11.2019 only self amount Rs. 31,57,705/- mentioned but mistakenly the bank loan amount was not included. Therefore the present representation has been given to include the bank loan which is due to the complainant.

As per the order passed by this authority on 08.07.2019 the developer is bound to discharge the bank loan also but unfortunately the said bank loan was not included in the recovery warrant. In view of the same and also to meet the ends of justice one more recovery warrant has to be issued in addition to the recovery warrant issued by this authority bearing No. MSC.RERA.CR/2367-2019-20/292 dated 11.11.2019 one more recovery warrant has to be issued for sum of Rs.19,20,000/-.

ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 19,20,000/-. With its interest which treated as arrears of land revenue from the developer "Unishire Promoters 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