



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ ...Comp. No - 2318

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ವಿಷಯ ...Smita Narendranath v/s Mantri Manyata Lithos

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Sumit Narendranath who is the consumer under the project "Mantri Manyata Lithos" which is developed by "Mantri Technology Constellations Pvt. Ltd.," This complaint was filed by the complainant claiming for delay compensation. After hearing the parties, order was passed on 26/08/2019 by directing the developer to the developer to pay delay compensation @ 2% above the SBI marginal lending rate of interest on the home loan on the amount received from the complainant towards purchase of flat commencing from August 2017 till the developer executes the Sale deed after obtaining Occupancy Certificate by providing all the amenities.

The complainant has given a representation which was received on 01.07.2020 by 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 calling for his objections through online to submit before 14/07/2020 on account of maintaining social distance as per SOP of this authority dated 04.06.2020. According to notice the developer has not submitted his reply. 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 taking the shelter under Section 40 of the RERA Act which reads as follows;



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ಪುಟ ಸಂಖ್ಯೆ ೮

ಕಡತದ ಸಂಖ್ಯೆ Comp. No - 2318

ವಿಷಯ Smt. Narendranath v/s Mantri Manjara LPHs

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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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"

As per Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 26/08/2019 by considering this amount as arrears of land revenue and 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. 22,94,792/- till July 2020 which is treated as arrears of land revenue from the developer "Mantri Technology Constellations 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
[Signature]