



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ದ ಸಂಖ್ಯೆ ..... CMP 831

ಪುಟ ಸಂಖ್ಯೆ ..... 7

ಬಿ ..... Regarding Execution of Order

## ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Nitin URS who is the consumer under the project "Skylark Ithaca" which is developed by "Ithaca Estates Private Limited.," This complaint was filed by the complainant claiming for refund. After hearing the parties, order was passed on 16/07/2019 by directing the developer to return the amount in one month from the date of the order. In case of failure to repay the amount it was ordered that the amount payable to the complainant will carry interest 10.25% till the realization of entire amount.

The complainant has given a representation on 31/08/2019 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. 7,95,631/- as per the recovery amount dated 9.12.2019.

Now the complainant has given a representation on 20.1.2020 stating that this authority has sent recovery warrant only in respect of Rs.7,95,631/- but it his submission that loan amount of Rs. 49,99,224/- 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 19/02/2020. Accordingly Kumari. Lubna advocate representing the developer present and submitted that suitable orders may be passed.

As per the order passed by this authority dated 16.07.2018 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 26.09.2019 with memo of calculation as Annexure A,B & C.



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ಕಡತದ ಸಂಖ್ಯೆ CMP 831

ಪುಟ ಸಂಖ್ಯೆ 8

ವಿಷಯ Regarding Exemption of order

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

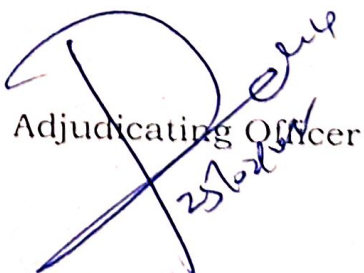
ಬಹಳ ಮತ್ತು ಆದೇಶಗಳು

In annexure A the complainant has given the description of the amount payable to him as Rs. 7,95,630.48/-. In Annexure B he mentioned the bank loan amount Rs.49,99,224/-. While issuing the recovery warrant dated 9.12.2019 the amount mentioned in Annexure A was only 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 16.07.2018 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/70-2019-20 dated 09.12.2019 one more recovery warrant has to be issued for sum of Rs. 49,99,224/-.

## ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 49,99,224/-. which treated as arrears of land revenue from the developer "Ithaca Estates 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  
25/12/2019