



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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Complaint under Section 31 of RERA Act has been initiated by the complainant S Manorani who is the consumer under the project "Nitesh Columbus Square Phase 2" which is developed by "Nitesh Housing Developers Pvt.Ltd.," This complaint was filed by the complainant claiming compensation and refund of money with interest. After hearing the parties, order was passed on 18/10/2019 The complaints filed in CMP /190327/0002527 is allowed. The developer is hereby directed to return totally amount of Rs.58,47,074/- to the complainant. The Developer is directed to pay interest at the rate of 9% per annum on the respective amount paid on the respective date till 30.04.2017. The Developer is directed to pay interest at the rate of 2% above the MCLR of SBI Bank commencing from 01.05.2017 till realization. The developer is here by directed to return the Rs.3,40,179/- paid towards the Tax to the complainant with a liberty to make adjustment with the concerned department. The developer is also directed to pay Rs. 5,000/- as cost of case.

The complainant has given a representation on 14/01/2020 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 24/1/2020, both the parties were present 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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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 18/10/2019 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 83,66,872/- which treated as arrears of land revenue from the developer "Nitesh Housing Developers 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 bearing Account. (for attachment of property the address is attached with this order)

Adjudicating Officer