



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ EMP 3054

ಪುಟ ಸಂಖ್ಯೆ 02

ವಿಷಯ Regarding Eviction Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Bikash Chandra Behera who is the consumer under the project "Manar Pure Earth" which is developed by "Manar Developers Private Limited.," This complaint was filed by the complainant claiming to refund and compensation. After hearing the parties, order was passed on 26/09/2019 The developer is hereby directed to pay he Developer is hereby directed to return Rs.8,00,000/- to the complainant. The Developer is hereby directed to pay the interest @ the rate of 9% P.A. on the respective payment made on respective date prior to 30.04.2017. The Developer is also directed to pay the interest @ the 2% above the SBI Marginal lending interest on home loans on Rs.8,00,000/- commencing from 01.05.2017 till realization. The Developer is also liable to pay cost of Rs.5,000/- to the Complainant.

The complainant has given a representation on 3/1/2020 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 22/1/2020, the complainant was present but the developer remained absent. 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 ಸಂಖ್ಯೆCMP 3054.....

ಪುಟ ಸಂಖ್ಯೆ03.....

ವಿಷಯRegarding Execution Of Order.....

ಕಂಡಿಕೆ
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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 26/09/2019 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.13,75,108/- which treated as arrears of land revenue from the developer "Manar Developers 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 Account.

Adjudicating Officer