



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP 3064

ಪುಟ ಸಂಖ್ಯೆ ೦೨

ವಿಷಯ Regarding Execution of Order

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ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Sushil Tolani who is the consumer under the project "Hanging Gardens " which is developed by "Prisha Properties India Pvt. Ltd.," This complaint was filed by the complainant claiming to delay compensation. After hearing the parties, order was passed on 11/10/2019 by directing the developer to pay interest @9%p.a. on the sum paid to the developer from January 2016 till 30.04.2017 and developer is also directed to pay interest @ 2%p.a. above the SBI marginal lending rate of interest on its home loans as on today till the possession is delivered after obtaining Occupancy Certificate. Petition cost Rs.5,000/-.

The complainant has given a representation on 19/12/2019 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 10/1/2020 the complainant was present and the developer was not present again case was called on 31.01.2020 but developer was not present and 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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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 11/10/2019 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.51,20,864 /- which treated as arrears of land revenue from the developer "Prisha Properties India 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