



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP 1556

ಪುಟ ಸಂಖ್ಯೆ 02

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Pappu Kumar who is the consumer under the project "Mulberry Mist" which is developed by "CMRS Infrastructure Pvt.Ltd," This complaint was filed by the complainant claiming to delay compensation,. After hearing the parties, order was passed on 07/01/2019 by directing the developer to pay Rs.33,40,737/-. Along with simple interest @9% on the sum paid on respective dates till April 2017 and to pay simple interest @ 10.25% commencing from 1/5/2017 till the realization of entire amount. The developer is also directed to discharge the loan raised in the name of the complainant along with its EMI. Incase the developer has already paid the GST amount then the same may be deducted in the amount returnable to the complainant but the developer shall hand over the necessary documents to enable the complainant to take back that amount from the concerned authority. The complainant shall execute the cancellation deed in favor of the developer after the entire amount is realized.

The complainant has given a representation on 21/11/2019 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 12/12/2019, on that day the complainant was present but the developer remained absent. and failed to refund 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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ಕಡತದ ಸಂಖ್ಯೆ CMP 1556

ಪುಟ ಸಂಖ್ಯೆ 3

ವಿಷಯ Regarding Exemption of Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಅಡ್ಡಲೇಖಗಳು

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 7/01/2019 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.49,01,113 /- which treated as arrears of land revenue from the developer "CMRS Infrastructure 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]
20/11/19