



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP 2422

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 Roshan Glastan Dsouza 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 to cancellation, refund & reimbursement as per RERA. After hearing the parties, order was passed on 21/06/2019 by directing the developer to return amount of Rs.6,12,568/- to the complainant along with interest@ 10.75% from today till the realization of the amount. The developer shall pay Rs4,64,212/- as opportunity cost after the end of 36 months.

The complainant has given a representation on 27/09/2019 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 11/10/2019, 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



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ C.M.P. ೨೪೨೨.

ಪುಟ ಸಂಖ್ಯೆ ೦೩

ವಿಷಯ Regarding Exemption of order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 21/06/2019 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.63,81,055/- 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 Account.

Adjudicating Officer

[Signature]
03/06/19

95
112