



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ Emp. 3399

ಪುಟ ಸಂಖ್ಯೆ 7

ವಿಷಯ Pramod Gopinathan v/s V Marks Heights'

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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A complaint under Section 31 of RERA Act has been initiated by the complainant Pramod Gopinathan who is the customer under the project "V Maks Heights" which is developed by "VMAKS Builders Pvt. Ltd.,. This complaint was filed by the complainant claiming refund of the amount as the developer has failed to complete the project on time. After hearing the parties order was passed on 23/03/2019 by directing the developer to pay compensation @ 2% above the MCLR of SBI on the principal amount paid on the sale deed. The interest shall be calculated from September 2017.

On the basis of the representation, notice was issued to the developer to appear before Adjudicating Officer. The developer has failed to make arrangement to refund the amount. So, the complainant has requested the authority to take further action against the developer as he has failed to comply the order dated 23/03/2019.

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 taking the shelter under Section 40 of the RERA Act which reads as follows;



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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 23/03/2018 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. 6,12,725/- till July 2020 payable to the complainant is treated as arrears of land revenue from VMAKS Builders 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