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Regarding Execution of Order

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A complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Ashutosh Kumar Singh who is the customer under the project "Mulberry Mis" which is developed by "CMRS Infrastructure Pvt. Ltd.". This complaint was filed by the complainant seeking full refund of the amount along with interest as the developer has failed to complete the project on time. After hearing the parties order was passed on 16/11/2018 directing the developer to return entire amount received along with interest @ 10.25% commencing from 01/05/2017 till the realization of full amount.

The complainant has given a representation on 23/01/2019 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 Adjudicating Officer through E-Mail on 01/02/2019 one on behalf of the developer was present. The matter was again called on 19/02/2019 but none were present on behalf of the developer, hence the matter is 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 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,



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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 20/11/2018 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 total amount payable of Rs. 45,14,000/- is treated as arrears of land revenue from "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 recovered in the name of the complainant Mr.Ashutosh Kumar Singh.

[Signature]
26/3/19
Adjudicating Officers