



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ Comp: 644

ಪುಟ ಸಂಖ್ಯೆ 09

ವಿಷಯ Rushma Salik v/s The Greens phase -1

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

10)

Complaint under Section 31 of RERA Act has been initiated by the complainant Reshma Salik who is the consumer under the project "The Greens Phase I" which is developed by "M/s Sanchaya Land and Estates Pvt. Ltd.". This complaint was filed by the complainant claiming refund of payment with penalty as the developer has failed to complete the project on time. After hearing the parties an order was passed on 19/06/2018 directing the developer to pay Rs. 1,75,000 along with interest 10.50% from 01/05/2017.

11)

The complainant has given a representation on 14/8/2018 to this authority to take action against the developer for recovery of the said amount.

12)

On the basis of the representation, notice was issued to the developer to appear before the Adjudicating Officer on 27/08/2018, but the developer was not present and hence the case was called on 07/09/2018. On that day the Advocate representing the developer Mrs. Rubina was present and sought time till 11/9/2018 to comply the order, but till 17/09/2018 the developer did not take any initiative to comply with the order.

13)

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 19/6/2018 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. 2,01,031/- to the complainant is treated as arrears of land revenue from the developer M/s Sanchaya Land and Estates 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 Ms. Reshma Salik.

Adjudicating Officer