

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ತದ ಸಂಖ್ಯೆ CMP 1146

ಪುಟ ಸಂಖ್ಯೆ 03

ಪ್ರಯ

Regarding execution of order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Naresh Manickam who is the consumer under the project "S & G Luxuria" which is developed by "Shweta and Gita Construction India Pvt. Ltd.". This complaint was filed by the complainant claiming Refund of along with interest as the developer has failed to complete the project on time. After hearing the parties an order was passed on 02/01/2019 directing the developer to refund all the amount along with interest @ 9% p.a on the amount received prior to 1/5/2017 and from 1/5/2017 interest @10.75% p.a has to be paid. Along with that the developer is also directed to discharge loan amount with its interest and EMI, if any.

The complainant has given a representation on 26/4/2019 to this authority to take action against the developer for recovery of the said amount.

On the basis of the representation, notice was issued to the developer to appear before Adjudicating Officer on 03/05/2019, but the developer was not present and hence the case was again called on 14/05/2019, Advocate representing the developer filed Vakalath and the matter posted to 18/06/2019. But the developer fail to honor the RERA order. Hence, the matter was reserved for order.

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



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ಕಡತದ ಸಂಖ್ಯೆ CMP 1146

ಪುಟ ಸಂಖ್ಯೆ 04

ವಿಷಯ Regarding Execution of Order

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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, 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"

As per Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 02/01/2019 by 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. 29,90,315/- to the complainant is treated as arrears of land revenue from the developer "Shweta and Gita Construction India 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 and deposit to the account of the Authority.

Adjudicating Officer

[Signature]
02/01/19

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