



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ .....CMP 3088.....

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ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Vijaykumar G who is the consumer under the project "Pearl Peridot" which is developed by "Bharat and Bharat Properties," This complaint was filed by the complainant claiming to direct the builder to refund the amount. After hearing the parties, order was passed on 19/09/2018 by directing the developer to pay Rs.2,00,000/-interest @9% on the total amount paid on the respective date prior to 01/05/2017 and @2%p.a. above the SBI marginal rate of interest on home loan commencing from 01/05/2017 till realization. The complainant is directed to execute the cancellation of agreement of sale after the entire amount is paid by the developer. Cost of the petition Rs.5,000/-.

The complainant has given a representation on 04/12/2019 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 15/10/2019, both the parties were present and 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



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ಕಡತದ ಸಂಖ್ಯೆ UMP 3088

ಪುಟ ಸಂಖ್ಯೆ ೧

ವಿಷಯ Regarding Exemption of Order

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಪ್ಪಣಿ 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 19/09/2019 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.31,03,805/- which treated as arrears of land revenue from the developer "Bharat and Bharat Properties," 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]*  
08/06/20