



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ
ವಿಷಯ

ಕಡತದ ಸಂಖ್ಯೆ Comp: 100

ಮುಖ್ಯ ಸಂಖ್ಯೆ 14

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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This complaint under Section 31 of RERA Act has been initiated by the complainant Siva Prasad Venkata Kothamasu who is the customer under the project "Roma Epicurean" which is developed by "Roma Builders". This complaint was filed by the complainant seeking possession of the flat within 1 year and the project has to be registered with RERA as the developer has failed to complete the project on time. After hearing the parties order was passed on 05/02/2019 directing the developer to pay delay compensation of Rs. 10,000/- per month for all the flats till the possession of the flat is delivered. Further to pay Rs. 5000/- as cost.

The complainant has given a representation on 03/04/2019 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 16/4/2019. On that the respondent was present and filed a memo, wherein it is said that the complainant is an investor and not a regular customer and therefore the compensation has to be re-evaluated. He claims that the commencement of compensation has to be commenced from July 2017 or it may be reduced to Rs. 5000/- p.m.

But I would say that his prayer cannot be accepted because the judgment has already been delivered on 5/2/2019. The Adjudicating Officer has no power to make any kind of alteration in the judgment by invoking Sec. 39 of this Act. The choice which is left open to the developer is

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to file an appeal. Therefore his payer is rejected. 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, 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 a 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 05/02/2019 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 total amount payable of Rs.



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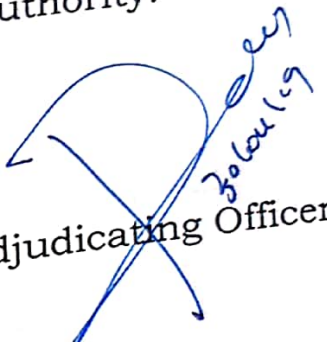
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13,95,000/- is treated as arrears of land revenue from "Roma Builders" and the same has to be recovered by sending the file to Deputy Commissioner for recovery as arrears of land revenue. The same amount shall be recovered and deposit to the account of the Authority.


Adjudicating Officers