



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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ಪುಟ ಸಂಖ್ಯೆ 10

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Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Vijay Shridhar Sawal 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 money and to clear all the dues as the developer has failed to complete the project on time. After hearing the parties an order was passed on 28/08/2018 directing the developer to pay Rs,4,040/- per month from January 2016 till 30/04/2017 and to pay Rs. 8,000 per month from 1/5/2017 till the notice of possession calculating on the basis of super built up area on their 800 sq ft flat under Amber - E 006. Further the developer is directed to refund Rs. 6,33,000/- along with interest @10.25% commencing from 1/5/2017 till realization of full amount with regard to Oak 408.

The complainant has given a representation on 1/11/2018 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 the Adjudicating Officer on 19/11/2018, but none were present on



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behalf of the developer. Hence the matter is reserved 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 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 28/08/2018



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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. 14,95,372/- 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 Mr. Vijay Shridhar Sawal

Adjudicating Officer
21/12/2019