

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

Comp. No - 1855

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Complaint under Section 31 of RERA Act has been initiated by the complainant Kandibanda Rakesh who is the consumer under the project "Sai Ashirwaadh Lake View" which is developed by "Ashirwaadh Builders and Developers." This complaint was filed by the complainant claiming for Amenities. After hearing the parties, order was passed on 17/05/2019 by directing the developer to provide all the above said amenities on or before the end of 2019. If not the developer is liable to pay Rs.10,000/- p.m., commencing from January 2020 as delay compensation from complainant until the completion of all amenities. The developer shall not collect the maintenance amount till all the amenities are provided.

The complainant has given a representation on 23/06/2020 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 calling for his objections through online to submit before 13/07/2020 on account of maintaining social distance as per SOP of this authority dated 04.06.2020. According to notice the developer has not submitted his reply. 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 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 17/05/2019 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.70,000/- till July 2020 which is treated as arrears of land revenue from the developer "Ashirwaadh Builders and Developers.,." 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]