



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ CMP 1254

ಪುಟ ಸಂಖ್ಯೆ 02

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
	<p>Complaint under Section 31 of RERA Act has been initiated by the complainant Leena Pol who is the consumer under the project "Aditi Tropica" which is developed by "K.Sravanthi Reddy,." This complaint was filed by the complainant claiming refund of money with interest. After hearing the parties, order was passed on 27/11/2018 by directing the developer to return the amount received from the developer either by direct or by way of bank loan together with interest @10.25%p.a. from 1/5/2017 and @ 9% on the sum received from time to time prior 30/04/2017. In case the developer has paid the GST, Then the developer has to give necessary documents to the complainant to enable him to claim the same from the concerned department. The complainant shall execute the cancellation deed in favour of the developer after realization of entire amount.</p> <p>The complainant has given a representation on 12/11/2019 to this authority to take action against the developer for recovery of the said amount since the developer failed to comply with the order.</p> <p>On the basis of the representation, notice was issued to the developer to appear before the Adjudicating Officer on 27/11/2019,. The complainant was present and the developer was present but failed to return the amount Therefore, the matter was posted for orders.</p> <p>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</p>



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ OMP 1256

ಪುಟ ಸಂಖ್ಯೆ 03

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ 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 27/11/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-

ORDER

9

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs 13,61,963/- which treated as arrears of land revenue from the developer "K.Sravanthi Reddy," 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