

ಭಿಕ್ಷಾ ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಎಂ.ಸಂಖ್ಯೆ Cmp:- 2311

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Brijesh S Bathija.

Roma builders

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12/ Member 2/

Complaint under Section 31 of RERA Act has been initiated by the complainant Brijesh S Bathija who is the consumer under the project "Roma Epicurean" which is developed by "M/s. Roma Builder," This complaint was filed by the complainant claiming project to refund of consideration with reg fee and int @ 18%.. After hearing the parties, order was passed on 30/08/2019 by directing the developer to pay sale consideration received by him within 30 days from the date of this order, if not he should pay additionally an interest at the rate of 2% above the SBI Marginal lending on home loans from 31st day till the realization of amount. Also authority directed to pay a sum of Rs. 2,00,000/- as compensation.

The complainant has given a representation on 02/11/2019 to this authority to take action against the developer for recovery of the said amount since the developer failed to comply with the order.

On the basis of the representation, notice was issued to the developer to appear before the Authority on 01/1/2020,.the complainant was present and the developer was not present 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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Balraj S Bathija.
Roma builders.

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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 30/08/2019 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 Rs59,86,682/- which treated as arrears of land revenue from the developer "M/s. Roma Builder" 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.


Member-2