

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ



ಕಡತ ಸಂಖ್ಯೆ ...CMP 3277

ವಿಷಯ *Regarding Execution of order* ಪುಟ ಸಂಖ್ಯೆ 06

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು
	<p>Complaint under Section 31 of RERA Act has been initiated by the complainant Mr. Krishna Prasanna Yedidi who is the consumer under the project "Arya Golden Arena-C" which is developed by "Aryan Homtec Pvt.Ltd," This complaint was filed by the complainant claiming to refund,. After hearing the parties, order was passed on 1/10/2019 by directing the developer to to refund the amount of Rs.7,96,600/- paid by the complainant.The developer is also hereby directed to pay the amount with interest @ 9% P.A. on the respective amount paid on the respective date before 01/05/2017.The developer is also hereby directed to pay the interest @ 2% P.A. above the SBI marginal Lending rate of Interest on home loans commencing from 01/05/2017 till the realization.The developer is also hereby directed to discharge the loan with its interest, EMI, if paid by the complainant, EMI if any due and any other incidental charges on apartment. The developer is hereby directed to execute cancellation of agreement of sale after the entire amount is realized.</p> <p>The complainant has given a representation on 21/01/2019 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 19/2/2019, on that day the complainant was present but the developer remained absent. 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>



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ಕಡತದ ಸಂಖ್ಯೆ CMP 3277...

ಪುಟ ಸಂಖ್ಯೆ 07

ವಿಷಯ Regarding Issuance of Order

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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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 1/10/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-

ORDER

8

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.36,94,885/- which treated as arrears of land revenue from the developer "Aryan Homtec 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 deposited in the office bearing Account. (for attachment of property address is attached with this order).

Adjudicating Officer

[Signature]