



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ 3872

ಪುಟ ಸಂಖ್ಯೆ 7

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

10

Complaint under Section 31 of RERA Act has been initiated by the complainants Parimala Jamadagni and G.S.Jamadagni who are the consumer under the project "Tapovan Solace " which is developed by "Tapovan Project.," This complaint was filed by the complainant claiming for refund. After hearing the parties, order was passed on 19/03/2020 The developer is hereby directed to refund Rs.40,00,000/- to the complainant. The developer is hereby directed to pay interest @2% MCLR of SBI on the amount of Rs.70,00,000/-from 07/10/2017 till 16/05/2019. The developer is hereby directed to pay interest @2% MCLR of SBI on the amount of Rs.55,00,000/-from 17/05/2019 till 07/11/2019. The developer is hereby directed to pay interest @2% MCLR of SBI on the amount of Rs.50,00,000/-from 08/11/2019 till 22/12/2019. The developer is hereby directed to pay interest @2% MCLR of SBI on the amount of Rs.40,00,000/-from 23/12/2019 till realisation. (Today's MCLR has to be taken to calculate the interest) The developer is also directed to pay Rs.5000/- as cost.

The complainant has given a representation on 08/06/2020 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 29/06/2020 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.



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 3878

ಪುಟ ಸಂಖ್ಯೆ 8

ವಿಷಯ Regarding Execution of Order

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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 19/03/2019 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following order:-



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಪುಟ ಸಂಖ್ಯೆ ೧

ಕಡತದ ಸಂಖ್ಯೆ 3878

ವಿಷಯ Regarding Execution of Order

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs.56,44,270/- which treated as arrears of land revenue from the developer "Tapovan Project..." 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

16/1/2024