

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

425
Cmp 425

ಇಲಾಖಾ ಮುದ್ರಣ

ಪುಟ ಸಂಖ್ಯೆ 15

V. S. S. S.

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Complaint under Section 31 of RERA Act has been initiated by the complainant Milind Madhavrao Halyal who is the consumer under the project "Unishire Belvedere Premia" which is developed by "Unishire Skyscapes LLP." This complaint was filed by the complainant claiming for refund. After hearing the parties, order was passed on 10/10/2018. The developer hereby directed to pay delay compensation of Rs.5/-per sqft. On the super built up area for the month of March and April 2017 and Rs.12/- per sqft. From MAY 2017 to till the notice for possession is issued

The complainant has given a representation on 22/06/2020 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 15/07/2020 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.



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

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ವಿಷಯ ಶ್ರೀ. ಲಲಿತಾ ಮಠವಾಳ ಇನ್ ವೆಸ್ಟ್

Crishire Belvedere Premia

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಪ್ಪಣಿ 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 10/10/2018 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

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ಮಟ ಸಂಖ್ಯೆ 17

ಶ್ರೀ. ವಿಷ್ಣು ನಾಥ್ ಶಿವ ೪/೬
Unishire Belvedere Premia

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. 8,10,390 /- which treated as arrears of land revenue from the developer "Unishire Skyscapes LLP,," 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

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