



# Karnataka Real Estate Regulatory Authority,

# 1/14, Ground Floor, Silver jubilee block, Unity Building, CSI  
Compound 3<sup>RD</sup> Cross, Mission Road, Bengaluru -560027



No: RERA/PS/SOP-1/CR/2020-21

Date: 28/10/2020

## CIRCULAR

**Subject:** Standard Operating Procedure for Execution of Awards/  
Orders passed by the Authority and Adjudicating Officer  
for refund of money, payment of interest, penalty or  
compensation.

Whereas, pursuant to a decision taken by the Authority for robust monitoring mechanism of cases related to enforcement of the orders passed by the Authority or Adjudicating Officer in respect of refund of money, recovery of interest or penalty or compensation, it is decided to adopt the following standard operating procedure. SOP's.

1. The Authority/Adjudicating Officer shall while passing the order note in the Judgment/Order/Award itself regarding action to be taken for enforcement of the order immediately after expiry of 60 days limitation period to prefer an execution petition under Section 40 read with Rule 25 of The Real Estate (Regulation and Development) Act , 2016, without the intervention of the complainant/award holder. In cases where the Respondent/Promoter or Allottee or Real Estate Agent has not complied with the Order passed by the Authority/ Adjudicating Officer for refund of money, payment of interest, penalty or compensation.
2. Thereafter, the Authority/Adjudicating Officer shall call upon the Complainant/award holder to file a Memo of calculation showing the total amount recoverable as on that date and marking a copy of the same to the other side, after which within two weeks if the order is not complied with or the Respondent shall produce documents to show that an Appeal has been preferred as per Section 43 and operation of the order challenged is stayed.
3. However, under the following circumstances, the Authority/Adjudicating Officer shall keep the execution of the Order in abeyance:

In matters where the Complainant/Award Holder does not respond by filing a Memo of Calculation within a specified period or declines to give his consent to proceed against the Respondent. The list of of all such Complaints & parties shall be maintained for reporting under the Action taken report (ATR)



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4. After considering the above, the Authority/Adjudicating Officer after verifying the memo of calculation make over the same to the Revenue Inspector appointed by the Authority with a direction to prepare the Revenue Recovery Certificate (RRC) and obtain the approval of the Under Secretary.
5. The recovery certificate so prepared shall also authorize the Deputy Commissioner, to recover the future amount due, if any, as per the Order/Award along with applicable rate of interest whenever it falls due to till realization of the entire due amount without waiting for issues of any further recovery certificate/s and to take further action by sending the same to the jurisdictional Tahsildar for initiation of proceedings for recovery of money to be recovered, as arrears of land revenue as contemplated under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016.
6. Similar, procedure for recovery of money in all other cases shall be as adopted as per Section 40(2) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 26 of The Karnataka Real Estate (Regulation and Development) Rules, 2017, under the supervision of the Authority/Adjudicating Officer.
7. The officers of this Authority shall follow the procedure in case of execution of the award as per the Section 40(1) of the Real Estate (Regulation and Development) Act 2016, as discussed hereunder:
  - a) The Revenue Recovery Certificate (RRC) be sent to Deputy Commissioner by marking a copy to parties.
  - b) The Tahsildar and recovery inspector shall follow the RRC till the realization of entire amount due after sending the same to the Deputy Commissioner.
  - c) The Tahsildar/Revenue Inspector shall maintain a register for each and every case by making entry of particulars of each case, in the online module.
  - d) A consolidated list of all such cases, will be tracked by the Officers of the Authority with requisite inputs from the concerned officer/s in the office of the jurisdictional Deputy Commissioner.
  - e) Realization of interest or penalty or compensation shall be tracked, consolidated and updated on the online module.
  - f) The Authority will have the right to impose any further condition/ monitoring mechanism to ensure the Authority's and the Complainants interest is protected.



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- g) Disbursement of realized interest or penalty or compensation by the office of the Deputy Commissioner will be tracked and monthly statements / MIS reports shall be prepared by the concerned officers of the Authority and the same will be made available in the Web-Portal of the Authority.
- h) Wherever the cases are reported as settled between parties amicably outside the Court / Authority during the recovery proceedings, the Under Secretary shall take necessary action to recall the RRC and submit the same to the Authority/Adjudicating Officer as the case may be.
- i) In cases, where after the issue of Recovery Certificate the operation of the order is subsequently stayed, the Under Secretary upon receiving due communication in this regard shall duly inform the Deputy Commissioner to keep the execution proceedings in abeyance, until further notice.

[Approved by the Authority]

*K. S. Subha Kumari*  
Secretary,  
Karnataka Real Estate  
Regulatory Authority

To,

1. PS to Hon'ble Chairman, Please brought to the kind notice to Hon'ble Chairman.
2. PA to Hon'ble Member-1, Please brought to the kind notice to Hon'ble Member-1.
3. PA to Hon'ble Member-2, Please brought to the kind notice to Hon'ble Member-2.

**Copy to:**

1. PS to Secretary to Government, Housing Department, Vikasa Soudha.
2. PS to Principle Secretary to Government, Revenue Department, MS Building
3. SGF/Copy.

