**BEFORE ADJUDICATING OFFICER RERA**

**BENGALURU, KARNATAKA**

**Complaint No. CMP/180627/0000965**

**Date: 15th OCTOBER 2018**

Complainant : Rajkumar M Patangi
114/1, 2nd B Main Road,
Yelahanka, New Town,
Bengaluru – 560064.

**AND**

Opponent : Mohan Manohar Mungale,
The Orchard
HMT factory main road,
I stage, Jalahalli,
Bengaluru - 560013

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# J U D G E M E N T

Rajkumar M Patangi, has filed this complaint under Section 31 of RERA Act against the project "The Orchard" developed by M/s Shiv Parvati Constructions., bearing Complaint no. CMP/180627/0000965. The facts of the Complaint are as follows:

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*I have purchased the flat in this project on 19th September 2012, under the ADF scheme, where I have made full payment to builder and intern builder has to pay the interest part to me till the procession. As per agreement Builder has to give the procession within 18 months of the agreement with all the amenities. but till now builder not provided the procession to me and also he stopped paying the interest as agreed from last 2 and half year. so I am in deep financial trouble now. So I need your intervention to resolve this issues and help me to get my EMI due and procession of the flat at the earliest with the compensation of 12k rent per month from 2016 Jun as agreed my builder himself. As of now builder has to pay me 6 lacs due amount and 3 lacs Rent compensation. I need this amount need to settled immediately. and also he has start paying the future EMI till he provide me the procession of my flat with all promised amenities. Sale agreement attached for your reference.*

*Relief Sought from RERA : Required to pay the EMI Due & rent payment*

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1. After registering the case notice has been issued to parties. Complainant was present on 26/07/2018 but developer was not present. They have taken much time to come to an understanding regarding their grievances. Ultimately on 10/10/2018 the developer has filed the memo stating that he has conducted the meeting with consumer and arrived to a finding. The same is as under:

*It is agreed between us that, I am ready to pay settlement amount against your claim of Rs. 9,00,000/- i.e (Rupees Nine Lakhs Only) to you and ready to settle your accounts. This amount will be paid to you in the month of Feb 2019 as the priority of funds will be utilised towards entire project completion first.*

*It is also agreed and discussed between us that the project will be completed by end of Dec 2018 in all respect except the following things,*

1. *North side Compound wall as there is a court stay under case no – 1801 of 2013. Till that time 4 meters of driveway will be provided on the Northern side.*
2. *Second Lift for all the buildings will be installed at a later stage & will be the last activity.*
3. *OC – will be provided after the Court case 1801 of 2013 is closed.*

*With this understanding, we can jointly submit the Minutes of our meeting to the Hon. RERA Legal Adviser. Failing to Dec 2018 timeline, we are ready to pay compensation as per agreement. Till as agreed above.*

*Payments will be made in the following manner 50% by end of Dec 2018 and Balance 50% by end of Feb 2019.*

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On enquiry the consumers has agreed and put the signature accepting the terms offered by the developer. I am satisfied with the answer given by the parties and therefore I am going to pass the award based upon their commitment.

1. As per section 71(2) of RERA the complaint shall be disposed off by the Authority within 60 days from the date of receipt of the complaint. This complaint was filed on 27/06/2018. As per SOP, 60 days shall be computed from the date of appearance of the parties. In this case the parties were present on 31/07/2018. After appearance, the parties have taken some time to come to understating as above. Hence there is a little delay in closing the complaint. With this observation I proceed to pass the order.

## O R D E R

The Complaint No. CMP/180627/0000965 has been closed on account of the Memo of settlement field on 10.10.2018

Intimate the parties regarding this order.

(Typed as per dictation Corrected, Verified and pronounced on 15/10/2018)

Adjudicating Officer

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