

BEFORE ADJUDICATING OFFICER, RERA

BENGALURU, KARNATAKA

Presided by:- Sri. K.PALAKSHAPPA

Adjudicating Officer.

Complaint No. CMP/180915/0001273

Date: 14th December 2018

Complainant : VENKATA KRISHNA KOTRA
96, 28 Main, Sector 1, HSR Layout,
Bengaluru – 560102.

AND

Opponent : MIRABILIS,
KOLTE PATIL DEVELOPERS Ltd.,
The Estate, 10th Floor, Dickenson Road,
Yellappa Garden, FM Cariappa Colony,
Sivanchetti Gardens, Bengaluru -560042.

J U D G E M E N T

1. Venkata Krishna Kotra has filed this complaint under Section 31 of RERA Act against the project “MIRABILIS” developed by KOLTE PATIL DEVELOPERS Ltd., bearing complaint no. CMP/180915/0001273. The brief facts of the complaint is as follows:

“Kolte patil has promised me to deliver the flat by Dec 2017, but not done yet. I will have to pay huge loss for Interest on the amount paid and

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also loss of Rent, which I would have avoided. -
In June 2018, Kolte patil sent an email with progress update, which had electrical groove cut across the wall diagonally, I have not seen such wiring design before. Wiring groove is either cut vertically down or horizontal but not across the wall diagonally, It could cost a life if a nail is drilled unknowingly through the wall touching the wires, because standard is not to cut the wiring pipes across. Please correct it. Please refer to the PPT sent by Kolte patil, slide 11 attached here. Please refer to the pdf of emails sent to Kolte patil asking for clarification with no response, attached. Please refer to the Sale and construction agreement with Dec 2017 mentioned as handover date attached.

Relief Sought from RERA : Compensate delay,
Wiring correction”

2. In pursuance of the summons issued by this authority the Complainant was present on 09/10/2018 but the Developer was not present. The Developer has not at all appeared in future hearing also. Therefore I have heard the arguments of Complainant and reserved for orders. The main relief of the Complainant is for delay compensation. According to him the Developer was expected to deliver the possession by end of December 2017. The Complainant has produced some documents with photos which show that the project has not yet completed. The Developer has given the completion date to RERA as 29/04/2021. The delay has been caused and as per Sec 18 of the RERA Act the Developer is liable to pay the compensation when he failed to deliver the possession as agreed. Moreover the Developer has failed to respond to the summons issued by the authority.

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3. The Complainant also furnished a photo to prove that the electrical wiring was not done properly. In this regard he has drawn my attention to mail sent on 14/06/2018 for which the Developer has not replied. Therefore one more mail was sent by the Complainant on 04/07/2018 which reads as under:

Please respond to my concern,

I would really like to know what standard specifications are we following and by what design standard a diagonal groove is correct for electrical wiring. I really want this to be taken up at priority. To my knowledge any electrical wiring across the walls happens on a rectangular manner and not the diagonally as shown in slide 11. Why is the delay in response?

4. But for which mail also the Developer has failed to respond. It means the Developer is not interested in attending the request of the Complainant. Therefore suitable order is to be passed.
5. As per S.71(2) RERA, the complaint shall be closed within 60 days from the date of filing. This complaint was filed by the complainant on 15/09/2018. As per the SOP the 60 days be computed from the date of appearance of parties. In this case the developer has not at all appeared and as such the question of delay does not arise. With this observation I proceed to pass following order.

ORDER

1. The Complaint No. CMP/180915/0001273 is allowed.
2. The developer is hereby directed to give the delay compensation at the rate of 10.25% on the amount paid by the complainant commencing from January 2018 till the notice for delivery of possession is issued.
3. The developer is also directed to consider the demand made by the consumer with regard to electrification as discussed above within two months.

Intimate the parties regarding the Order.

(Typed as per Dictated, Verified, Corrected and Pronounced on 14/12/2018)


(K.PALAKSHAPPA)

Adjudicating Officer