

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Blockside, CSI Compound,
3rd Cross, Mission Road, Bengaluru - 560027

PROCEEDINGS OF THE AUTHORITY

Dated 27th September, 2021

Ref:	CMP/UR/190410/0002609
Complainant	Shri. D.R. Ramanujua Gopalak Jewels Apartment, Flat No.006, A Block, Konankunte Cross, Bangalore – 560 062.
Promoter	1. Sri. Niranjan C Jain Chartered Beverly Hills, 'A' Block, 7 th Floor, No.703, Subramanyapura Post, Arahalli, Bangalore – 560 061.
	2. Sri S. Shankar, No.8, 15 th Main, Gowdrapalaya, Near Brightway School, Subramanyapura Post, Bangalore – 560 061.

The Complainant **Shri D.R. Ramanujua**, Bangalore has filed an online complaint on 10.04.2019 against the Promoters of the project “Every Joy Sreeranga Theja” under section 31 of the Act, and sought directions of the Authority to the effect that the promoter complies with the requirement of execution of the sale deed.

It is submitted that on 27-08-2014, the Project-promoters have executed a Registered Agreement of Sale in favour of the Complainant to sell Flat No.401 & 405 for a total sale consideration of Rs.49,00,000/- (Rupees Forty nine lakhs only). It is further submitted that the Complainant had paid an advance sale consideration of a sum of Rs.48,00,000/- (Rs.Forty eight lakhs only) to the Respondent with an understanding that execution of Sale Deed would be carried out within the 12 (twelve) months from the date of the agreement. The balance sale consideration of Rs.1,00,000/- (Rs.One lakh only) was agreed to be paid at the time of registration.

As per the agreement dated 27.08.2014, the Promoter was required to hand over the property within 12 months. Even after about 5 years, the Respondent-Promoters failed to complete the said Project failed to execute the

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Sale Deed. It is submitted that the Complainant has several times approached the Respondents to execute the Sale Deed and to deliver the possession. However, Respondents neither executed the sale deed nor refunded the amount along with interest and compensation.

The Complainant initially filed his complaint before Adjudicating Officer. Since the relief sought was not within the jurisdiction of Adjudicating Officer, the Adjudicating Officer has transferred the complaint to the Authority.

It is seen that the Project was not registered with the Authority, even though the Project was incomplete as on the date of commencement of the Act. Onus lies on the Promoters to explain as to why the Project was not registered as required under the first proviso to Section 5 (1) of the Act. Since there is a prima-facie violation of Section 3 of the Act, penalty proceedings u/s 59(1) of the Act are hereby initiated.

Despite giving several opportunities, the Project-promoters have not responded to the notice. Hence, the following order is passed by the Authority.

ORDER

- i. In exercise of power conferred u/s 37 of the RERA Act, the Promoter is directed to execute the Sale Deed in accordance with the Sale Agreement entered into with the Complainant, Sri D.R. Ramanujua.
- ii. The Promoters of the Project are directed to offer explanation as to why penalty @ 2% of the Project cost should not be levied in accordance with Section 59(1) of the Act.

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Next date of hearing is scheduled on 10/12/2021 at 11.30 a.m. Hearing notice be issued accordingly. Parties are required to be present and appear for hearing without fail.


(D. Vishnuvardhana Reddy)
Member-1


(Neelamani N Raju)
Member-2


(H.C. Kishore Chandra)
Chairman

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