

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

Karnataka Real Estate Regulatory Authority,

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

PROCEEDINGS OF THE AUTHORITY

Dated 18th of January 2021

Ref:	CMR / 200705 / 0004581
Complainants	Sri Partik Shaha, Flat No.C 102, Definer Hi Life, Maragondanahali Main Road, Bangaluru-560036
Promoter Name:	DeFINER ventures, 1 st Floor, 319, Achaiah chetty arcade, 1 st cross PMV extension, Sadashiva Nagar, Bangalore- 560080.
Project Name:	"DeFINER HI LIFE"

The above Complaint has been filed online under Section 19 of the Real Estate (Regulation and Development) Act, 2016 against the project "**DeFINER HI LIFE**" developed by **DeFINER ventures**.

The complaint in brief is as under:-

1. Delay in Project.

As per the sale agreement, the promoter was supposed to handover the possession in December 2017. But whereas the possession was actually given in July 2018. The possession so delivered did not include the amenities provided by the promoter.

2. Delay in parking allotment

Though Rs. 6,00,000/- was collected for the allotment of parking area, it was not provided for almost 2 years. Hence the complainant faced undue hardship in parking of his vehicles.

Li. Naravardhan

[Signature]

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3. Delay amenities

The promoter is yet to provide amenities like the tennis court, commissioning of a DG set, Board games room and he is yet to complete the project in all other aspects.

4. Maintenance

As per the provisions of the Act, the promoter is responsible for maintenance till the occupancy certificate is received. The promoter although collected maintenance charges in advance has failed to maintain it. Though the complainant is paying the monthly charges.

The promoter is yet to transfer the amount collected from account of maintenance to the association of allottees.

5. Delay in BESCOM connections

Only temporary BESCOM connection is provided. Permanent BESCOM connection and also individual meters are yet to be provided.

6. Various quality issues with flat and overall property.

There are lot of leakages in the Bathrooms, Gym area etc., there is problem with electrical circuit.

Notices were issued and enquiry conducted on 10/11/2020, 20/11/2020 and then the case was posted for orders.

On 20/11/2020 when the case was taken up for hearing on Skype, both the complainant and the respondent were present. The complainant submitted that the possession was handed over in July 2018 after a delay of six months. He also admitted that of late parking area has been allotted to him. The promoter agreed not to charge maintenance till the occupancy certificate is received and he also

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agreed to rectify the defects pointed out in the complaint. The promoter further agreed to transfer the amount collected towards maintenance to the association of allottees.

In view of the submission made by the promoter to comply with the directions of the Authority, following order is passed.

ORDER

The respondent / promoter is hereby directed to:

- (i) Pay the maintenance charges in respect of all the apartments falling to the share of the promoters, till such time such inventory is transferred to any other person who would be responsible to pay the maintenance charges.
- (ii) To ensure the completion and commissioning of the amenities, in accordance with the provisions of the agreement of sale, including Tennis Court BESCOM connection, power back-up and such other amenities.
- (iii) To transfer the funds collected from the allottees towards the sinking fund and any surplus on the collections of maintenance charges to the Association of allottees for taking over the maintenance responsibility by the Association.
- (iv) To address the complaints and quality related issues pertaining to the amenities.

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The respondent / promoter is hereby directed to ensure compliance with all the above directions within a period of 30 days from the date of receipt of this order.


(D. Vishnuvardhana Reddy)
Member -1
KRERA


(Adoni Syed Saleem)
Member-2
KRERA


(M.R. Kamble)
Chairman
KRERA