

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: 9th of SEPTEMBER 2021

COMPLAINT NO.CMP/190401/0002534

**Mrs. SUBHABRATA CHOWDARY
SF 104, SHRIRAM SMRITI APARTMENT,
BIDARAGUPPE, AT TIBELE-SARJAPUR ROAD,
BENGALURU-562107.**

... COMPLAINANT

VERSUS

**Mr. MURULI MALAYAPPAN
NO.40/43, 8TH MAIN, 4TH CROSS,
KRV EXTENSION,
SADASHIVANAGAR,
BENGALURU-560080.**

... RESPONDENT

The above said complaint has been filed by the complainant Mrs.Subabrata Chowdary against Sri. Muruli Malayappan, Promoter, Shriram Smrithi Project which was promoted by Shriram Properties Private Limited.

The facts of the complaint are as follows:

"The project has been almost completed. But very few owner has received Khata. There is no occupancy certificate provided till date. Builder is ready to form association and handed over. Builder is trying to escape. I have paid maintenance previous rate but builder want more. I have agreed to pay but subject to audit of the expenditure. They have refused to shown bank transaction for expenditure. Builder disconnected power backup for my flat. I

9/9/21

chd

Wohmura

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tried to fix it by my personal electrician. But builder and security beat me up. I filed a FIR."

Notices were issued to the Complainant and the Respondent and the hearing was held on 7/1/2020, 11/2/2020, 26/2/2020, 6/3/2020, 20/3/2020 and 28/6/2021. On 28/6/2021, when the hearing was held the promoter side informed that Occupancy Certificate is provided to the complainant. On 13/7/2021 during further hearing of the case, the advocate for the respondent provided calculation sheet regarding maintenance charges collected from the allottees including the complainant.

In the written submissions filed by the respondent on 16/4/2019, it is stated that the project sanction was received from Anekal Town Planning Authority on 13/1/2014 and that they had received occupancy certificate on 20/6/2016 from the Anekal Panchayat Development Officer.

The respondent has further stated that in view of completion of the project prior to RERA coming into effect, the project is exempted from registration under RERA.

Before looking into the merits of the issues raised by the complainant, the matter of jurisdiction of this Authority to adjudicate on this complaint has to be decided.

9/9/21

Vijayamurthy

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Section 3(2)(b) deals with exemption from the Real Estate (Regulation and Development) Act, 2016.

*3(2) Notwithstanding anything contained in sub-section (1),
no registration of the real estate project shall be required –*

*(b) Where the promoter has received completion certificate
for a real estate project prior to commencement of this Act.*

In view of the above, the following order is passed.

ORDER

In exercise of the powers conferred under section 31 of
the Real Estate (Regulation and Development) Act, 2016
the complaint bearing No.CMP/190401/0002534 is
hereby dismissed as the Authority has no jurisdiction
to adjudicate on this complaint.


(Neelmani Raju)
Member
K-RERA


(D. Vishnuvardhana Reddy)
Member
K-RERA


(H.C. Kishore Chandra)
Chairman
K-RERA

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