

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

Karnataka Real Estate Regulatory Authority,
1/14, 2nd Floor, Silver Jubilee Block, Unit Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

PROCEEDINGS OF THE AUTHORITY

Dated: 15th of DECEMBER 2021

COMPLAINT NO.CMP/UR/210715/0008132

**MR.G. GURUMURTHY
PLOT NO. 150,
SRI KRISHNA PALACE,
VASAVINAGAR,
KARKHANA,
SECUNDERABAD-500015.
TELANGANA STATE.**

... COMPLAINANT

VERSUS

**MR.E. MADHAVA REDDY
SHREE NILAYAM,
1, THUNGANAGAR MAIN ROAD,
MAGADI MAIN ROAD,
BENGALURU-560091.**

... RESPONDENT

The above said complaint has been filed by the complainant Mr.G. Gurumurthy on 15/7/2021 against Mr.E. Madhava Reddy, Promoter, Jaypee Hilltop Project.

The facts of the complaint are as follows:

"1. Paid Rs.12,25,000/- on 02/02/2008 being the total sale consideration to the respondent for purchase of flat No.004 on ground floor in the building JAY PEE HILLTOP vide agreement of Sale and Construction. Agreement enclosed as documents in this complaint.

2. The receipt of Rs.12,25,000/- being the total sale consideration is also confirmed through its observations by its order of the Consumer Forum dt. 30/10/2020 while the complaint was allowed and directed the respondent to execute the registered sale deed in favour of the complainant and also ordered for Rs.5000/- as rent for delay in delivery, the scanned copy of which is enclosed with this complaint.

HWS

Chet

Uthman

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

3. The said Flat No.004 on ground floor was sold to one Mr.I. Bhaskar Reddy and Mrs.I. Padma Priya on 12/3/2010 while the case was pending before the Hon'ble Consumer Forum even after receiving the total sale consideration of 12,25,000/- by the respondent on 02/02/2008 as he has developed a grudge against the complainant for having gone before the Hon'ble Consumer Forum to seek legal remedy for delay in delivery of possession, the said encumbrance is enclosed herewith.

4. As per the sanctioned plan (enclosed herewith), there are four (4) floors and six (6) flats on each floor amounting to a total 24 flats. The brochure enclosed herewith also states the same. On approaching the respondent for registration of the flat after the order was passed by the Consumer Forum on 30/12/2010 the respondent confirmed that all the sanctioned/authorized flats are sold out. He said he had built a flat in the basement along with the parking which is neither sanctioned nor authorized flats are sold out. He said he had built a flat in the basement along with the parking which is neither sanctioned nor authorized and asked me the complainant to get it registered. It meant as if I am being penalized for approaching the forum.

5. Hence the execution petition with the Hon'ble Consumer Forum immediately for executing the orders of the forum. The case proceedings continued for about 8 years without either getting a sanctioned/authorized flat or refund of the amount paid with interest and compensation.

6. I had been suffering from anxiety and depression problems for a long time as the case was dragging on and on. About 20 months back, I was bedridden for about six months with very serious depression. Then I was infected by covid and had been hospitalized for two months. Then continuous lockdowns, curfews and interstate restrictions prevented me coming to Bangalore from Hyderabad as I now live in Hyderabad.

7. Thus the execution petition closed for not attending the hearing and proceedings for some time and without any remedy i.e. neither an authorized flat nor refund with compensation.

8. Numerous summons and NBWs were issued against the respondent by the forum. But only very few times he was brought before the forum by the police and was bailed every time. Even when sometime police brought him before the forum, it was the hectic work done by me to trace him out. Police have been very corrupt and inefficient. Respondent is financially very sound. Just one day of custody will make him to settle the matter forever. Justice delayed is justice

MHS

Shel

Vishnuvaran

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

denied. The time and spending of the court, the complainant and respondent have been tremendous, could have saved. And in particular the health and wealth of the complainant.

Relief sought from RERA – Prayer – Registration, possession of a new flat in his latest ventures and compensation or rent for delay in delivery.”

On verification, it was found that the project has not been registered with RERA. Notices dated 20/7/2021 and 28/7/2021 were issued to the Respondent. The promoter has not responded to the notices.

Hearing notice was sent on 17/11/2021 to both Complainant and Respondent to attend the hearing on 8/12/2021. The complainant was present. The complainant stated that he has paid Rs.12,25,000/- in 2008 and that the project was started in 2008 and completed in 2010. The complainant further added that he has obtained execution order by the Consumer Court and that the execution of the order has not been enforced.

It is evident from the facts of the case that the Complainant had filed a complaint before the Consumer Court/SCDRC and had sought the very same relief. It was also submitted by the Complainant during the hearing that the Consumer Court had passed an order in his favour and thereafter an execution order was also issued, which has not been complied by the promoter of the project. Complainant sought the enforcement of the execution order of the Consumer Court by invoking the powers of the Authority to enable him to recover the refund amount with interest. Any matter settled before the SCDRC has to be enforced by the said legally empowered Authority as per the procedure governing execution of its orders. This Authority shall not exercise jurisdiction in matters that are dealt with and concluded by SCDRC. It is not permissible to enforce the orders of the SCDRC by this Authority for want of jurisdiction in such cases.

[Handwritten signature]

[Handwritten signature]


[Handwritten signature]

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಅಧಿಕಾರ,
Karnataka Real Estate Regulatory Authority,
1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

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

ORDER

In view of the above reasons, the complaint bearing No.CMP/UR/210715/0008132 against the promoter, Sri E Madhava Reddy is hereby dismissed. The Complainant is at liberty to take up his complaint with the concerned authority.


(Neelmani Raju)
Member
K-RERA


(D. Vishnuvardhana Reddy)
Member
K-RERA


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