

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: 29<sup>th</sup> December, 2021

<b>Complaint No.</b>	<b>CMP/201123/0006161</b>
<b>Promoter</b>	<b>Sri. SIVACHAITANYA REDDY SAIKAM</b> No. 18, New Avantgrade Legrandes, LE-03, 15 <sup>th</sup> Main Road Shubh Enclave, Off Harlur Road Bangalore - 560 102.
<b>Project Name</b>	<b>"SAIKAM AANANDA"</b>

This complaint is filed against Saikam Aananda Project, by the Complainant, alleging that the first approved Layout Plan LAO 191/2007-08 dated 27/05/2008 by Anekal Town Planning Authority for Sy.No. 14, 15, 60 and 70 is still in existence and therefore Second approval LAO 97/2017-18 dated 03/12/2018 is not valid. He has given complaint before BMRDA regarding the same.

In pursuance of the notices, the respondent has appeared before the Authority and filed affidavit contending that:

1. The Complainant, Mr. Jagadish Reddy, S/o Narayanappa and his son, Mr. Rakesh Jagadish are not purchasers/allottees /intending purchasers in the above project. They are black mailing them for unlawful gains.

The compound wall for the above property was existing before they applied for plan sanction itself. After the neighbouring owners complained to BMRDA for access and communication received from BMRDA-

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APA, on 19/06/2020, they immediately demolished the entrance and submitted the photos to BMRDA. Only after submitting the photos and BMRDA site inspection to verify the same they were issued the Final release letter.

2. With respect to the old sanctioned plan, one Mr. S. Akarsh and R K Cortina planned to develop a layout in Chikkadasarahalli Village including the above mentioned Survey Numbers in 2007-08 and applied for plan sanction and conversion of these properties. Due to financial constraints, they did not proceed with the plotted development.
3. Further, he has submitted that the old plan bearing number LAC 191/2007-08 given in the complaint is only a provisional approval as seen in the page-2 point-2 in the letter 27/05/2008. After the provisional period of 90 days from the date of approval, it got cancelled/expired automatically.
4. Also, the conversion order vide the Official Memorandum dated 16/07/2008 bearing No.ALN(A.S)SR.45, 46, 135-152, 207, 208, 209/2007-08, issued by the Deputy Commissioner, Bangalore district, Bangalore) confirms in Page-5 points 15 & 16 that this is only a provisional plan and not final approval. So, there was no final approved plan with respect to the above survey numbers earlier.
5. The same complaint was given in BMRDA and after examining the documents the final release letter was given for the sanctioned plan from BMRDA – APA.

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Complainant has not produced any documents in support of his claim. On the other hand, the respondent has produced the documents as under:-

1. Site Release letter dated 31/12/2020, issued by Anekal Planning Authority.
2. Letter issued by AEE of Bangalore Electricity Supply Company limited that the electrical work in respect of layout of respondent has been charged as per EESCOM norms.
3. Letter issued by AEE of PWD Anekal Sub-division, Bengaluru dated 05/08/2020 to the respondent and others, regarding issuance of NOC.
4. Letter issued by Director of Horticulture (Zilla Panchayat) Anekal, dated 05/08/2020 to the respondent and others regarding issuance of NOC.

Authority has examined the complaint on the basis of the materials placed on record. At the outset, the Authority has considered the objection of the Respondent that the Complainant has no locus standi to seek the admission of the complaint.

Whether the Complainant is an allottee under Section 2(d) of RERA Act in order to maintain this complaint is examined.

Allottee is defined under Section 2 (d) of Real Estate (Regulation and Development) Act, 2016, which reads as under:-

*"Allottee" in relation to a real estate project, means the person to whom a plot, apartment or building, as the case may be, has been allotted, sold (whether as freehold or leasehold) or otherwise transferred by the*

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*promoter, and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise but does not include a person to whom such plot, apartment or building, as the case may be, is given on rent;*

Thus, it is evident that the Complainant is not an aggrieved person for seeking a legal remedy or relief as per the provisions of the Act. In view of this legal position, the complaint is not maintainable.

**ORDER**

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No.CMP/200724/0006161 is hereby rejected as not maintainable.

  
(D.Vishnuvardhana Reddy)  
Member-1

  
(H.C.Kishore Chandra)  
Chairman