

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 19<sup>th</sup> of March 2020

**Complaint No. CMP/170803/0426261**

**VISHAL KASHYAP**

**.....Complainant**

No. 1038, Magic Fore Away Tree,  
Kanakapura Road, Talgaupura,  
Bengaluru Rural - 560062.

AND

**M/S SKYLINE CONSTRUCTIONS**

**AND HOUSING PVT. LTD.,**

**.....Respondent**

No. 11, Hayes Road,  
Bengaluru - 560025.

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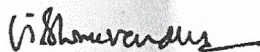
This complaint is filed against the project "Skyline Exaltus" situated in Sy. No. 9/1 (old Sy.No. 9) situated in Manavarthey Kaval Village, Uttarahalli Hobli, Bengaluru South Taluk.

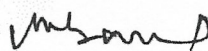
Following are the brief facts that are stated in the complaint:-

- (i) That the complainant had booked 2 apartments bearing No. 1101 and 1102 and he paid Rs. 1,00,000/- on 18/04/2012, Rs. 6,80,000/- on 04/06/2012, Rs. 17,250/- on 26/05/2013 and Rs. 15,04,914/- on 17/06/2013, sale cum construction agreements were signed for both the apartments on 28/05/2013 with a promise to deliver the apartments within 28/05/2016.
- (ii) The developer did not construct the apartments and he also did not refund me the amount paid by me.
- (iii) Therefore he has requested to direct the respondent to refund the amount advanced by him along with interest.

Notices were issued and enquiry conducted.

On 30/07/2019 the complainant was present and requested for the refund of his advance along with interest. Smt. Sujatha H.H, Advocate was









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present and filed vakalat on behalf of the respondent and requested for time to file objections.

The case was then heard on 07/08/2019 complainant was present and furnish the correspondence showing the amount he has paid. The case was posted for orders with a direction to the respondent to file the written objections if any.

On 17/10/2019, the respondents advocate has filed the following objections to the complaint.

- (i) That the respondent had obtained plan approval from BMICPA on 02/07/2010 and again a modified plan of the project on 26/11/2013.
- (ii) With an intention to take up the project, the respondent had accepted advance from the customers but due to dispute raised by landowners, the project did not commence.
- (iii) With an intention to get the JDA and GPA, the landowner filed a civil miscellaneous petition bearing CMP. No. 309/2017 before the Hon'ble High Court of Karnataka, which by its order dated 03/10/2018 referred the matter to the arbitration centre.
- (iv) The arbitration case bearing No. 168/2018 is still pending before the arbitration centre. In view of this litigation the development work could not be commenced.
- (v) Since there was investigation by the police in another project belonging to the promoter, the file and correspondence pertaining to this period has also been lost.
- (vi) Hence the respondent is neither in a position to confirm the amount received nor he is able to give any clarification.

Heard the complainant and perused the statement and documents filed on behalf of the respondent.

As per the statement of payments made, the complainant has claimed that he paid a total sum of Rs. 12,02,756/- with respect to

Lishmuvandhu

WP

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Vasundhara



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apartment bearing No. A 1101 and a total sum of Rs. 11,99,408/- with respect to apartment bearing No. A 1102.

As per Section 18(1) read with Section 19(7) of the Real Estate (Regulation and Development) Act, 2016, the promoter is bound to refund the advance along with interest.


Considering the above facts, following order is passed.


**ORDER**


The complaint bearing No. CMP/170803/0426261 is hereby allowed under Section 18 read with 31 of the Real Estate (Regulation and Development) Act, 2016.

The respondent is hereby directed to return the advance amount of Rs. 24,02,164/- along with

- (i) Interest at the rate of 9% per annum from the date of respective payments till 31/04/2017 and
- (ii) Interest at the rate of 10.75% per annum from 01/05/2017 till the date of refund.

  
(D. Vishnuvardhana Reddy)  
Member - 1  
KRERA

  
(Adoni Syed Saleem)  
Member - 2  
KRERA

  
(M.R. Kamble)  
Chairman  
KRERA