

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
Karnataka Real Estate Regulatory Authority Bangalore
ನಂ:1/14, ನೆಲ ಮಹಡಿ, ಸಿಲ್ವರ್ ಜ್ಯೂಬಿಲಿ ಬ್ಲಾಕ್, ಯುನಿಟಿ ಬಿಲ್ಡಿಂಗ್, ಸಿ.ಎಸ್.ಐ.ಕಾಂಪೌಂಡ್, 3ನೇ ಕ್ರಾಸ್,
ಮಿಷನ್ ರಸ್ತೆ, ಬೆಂಗಳೂರು-560027

BEFORE ADJUDICATING OFFICER, RERA

BENGALURU, KARNATAKA

Presided by Sri K PALAKSHAPPA

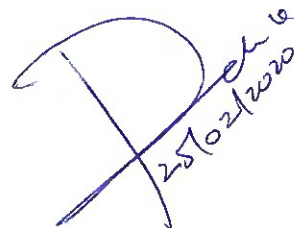
Adjudicating Officer

Date: 25th FEBRUARY 2020

Complaint No.	CMP/UR/190627/0003232
Complainant	Chidanandappa B, Door No.45, War No.20, Nehru Colony, 4 th Cross, Bellari (Bellary) 583103.
Opponent	S.Venkatesh Babu, Sri Residency (2),Jigala Road, Indlabele Village, Attiele Hobli, Anekal Taluk, Bengaluru-560025.

“J U D G E M E N T”

1. Chidanandappa B, the Complainant filed this complaint bearing complaint no.CMP/UR/190627/0003232 under Section 31 of RERA Act against the project ‘Terracon Projects’ developed by S.Venkaetsh Babu, developer for the relief of refund of amount.
2. In pursuance of the notice issued by this authority, complainant has appeared in person and respondent not at all appeared.
3. I have heard arguments of the complainant and posted the matter for judgment.
4. The points that arise for consideration are:


25/02/2020

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- a. Whether the complainant is entitled for the relief as prayed in the complaint?
- b. If so, what is the order?

5. My answer to the above point is in the affirmative for the following

REASONS

6. This complaint has been filed by the complainant seeking for the relief of refund of the amount. According to the complainant he has entered into agreement of sale with the developer in the month of October 2013 where the developer agreed to complete the project within one year, but till today he failed to complete the project. Hence, the complainant has filed this complaint. The complainant has produced receipt issued by the developer for having received amount of Rs. 5,00,000/- from the complainant. Before filing this complaint the complainant had issued legal notice where the developer has admitted the facts which reads as under:

"My client informs me that it is true that my client entered into an agreement of sale concerning site No.410, measuring East to west 40 feet and North to south 30 feet in the layout Sai Residency III situated at Indlabele Village, Attebele Hobli, Anekal Taluk Bangalore District on dated 09/10/2013 and it is true that my client received an advance consideration of Rs.5,00,000/- from your client and it is agreed to receive balance consideration of Rs.7,00,000/- from your client on the date of registration of the sale deed before the Sub-Registrar concerned.

My client informs me that my client making all efforts to get approvals from the BMRDA and other permission and my client is expecting if very soon. Immediately after obtaining all the necessary permissions from the authorities, my client

*Don't
hesitate*

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shall inform your client to get the registered sale deed concerning the property in question. My client has spent lot of money for the approvals and my client hope, he will get the permissions from the authorities at the earliest possible date. Till such period, my client expects co-operation from your client.

7. It means the transaction is admitted since the project has not been completed within the due date, the complainant is entitled for refund of the amount as per law. The evidence given by the complainant has not been denied by the other side, because the developer remained absent, hence I allow this complaint.
8. Before passing the final order I would like to say that as per section 71(2) of RERA the complaint shall be disposed off by the Authority within 60 days from the date of receipt of the complaint. The said 60 days to be computed from the date of appearance of the parties. This complaint was filed on 27/06/2019. In this case the complainant was present on 21/01/2020 but the respondent has not at all appeared and as such the question of delay does not arise. With this observation, I proceed to pass the following.

P. S. Rao

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ORDER

- a. The Complaint filed by the complainant bearing No. CMP/UR/ 190627/0003232 is hereby allowed.
- b. The developer is hereby directed to return an amount of Rs.5,00,000/- to the complainant.
- c. The developer is hereby directed to pay simple interest @ 9% per annum on the sum of Rs.5,00,000/- from 11/10/2013 till 30/04/2017 and @ 2% per annum above MCLR of SBI commencing from 01/05/2017 till realisation of the entire amount.
- d. The complainant is hereby directed to execute cancellation deed after realisation of entire amount.
- e. The developer shall also pay Rs.5,000/- as cost of the petition.

Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 25/02/2020).

(K.Palakshappa)
Adjudicating Officer