

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 16th MAY 2022

COMPLAINT NO: CMP/UR/201125/0006997

PRAMOD KUMAR

.....Complainant

Amarathil House, Punnathanam,
Kollam Konam, Peyad P.O.
Thiruvananthapuram,
Kerala - 695573.

V/S

MR. ASHOK REDDY,

.....Respondent

M/s. Accent Properties,
209, 4th Cross, 8th Block,
Jayanagar,
Bengaluru - 560082.

* * * * *

This complaint is filed under Section 31 of the RERA Act for the relief of issuing necessary approval for site No. 195.

Brief facts of the complaint are as under:-

That the complainant is the owner of site No. 195 in UR Castel Phase 1 layout situated in Nosenoor village, Jigani area purchased from M/s. U R Builders and Developers and M/s. Accent Properties under registered Sale deed dated 03/08/2013. He has paid tax for the year 2011-12. At the time of purchase his site was clearly specified as released vide APA Notification LAO/144/2007-08, dated 19/03/2012.

On enquiry at Haragade Panchayat for payment of taxes dues in December 2016, they have shown their inability to accept the tax for

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the said site, since it has been delisted vide letter No. 144, 145/2007-08, dated 27/04/2015.

In pursuance of the notice the respondent has not appeared before the Authority and not contested the matter.

In support of his claim, the complainant has produced in all 13 documents such as application, sale agreement, sale deed, APA site release orders for the year 2010, 2012, 2015, UR Castle Catalogue, tax receipts, EC, unreleased order, E-mail Complaint to APA and developer, UR Castle site owners complaint to APA, BMRDA and RERA.

Heard Arguments.

On the above averments the following points would arise for our consideration:-

1. Whether the complaint is maintainable?
2. What order?

Our Answer to the above points are as under:-

1. In the Negative.
2. As per final order for the following

REASONS

Our Answer to the point No. 1:- Complainant has sought for issuance of necessary approval by this Authority to his Site No. 195 on the ground that after purchasing the said site from the respondent under registered Sale deed dated 03/08/2013, Haragadde Panchayat is not accepting the tax for the said site since it has been delisted vide letter No. No. 144, 145/2007-08, dated 27/04/2015.

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The facts of the case and the chronology of events clearly show that the transaction is entered into between the parties prior to enactment of RERA Act in the year 2016. Therefore, this Authority has no jurisdiction to entertain this complaint under RERA Act and the complaint deserves to be dismissed. Accordingly we answer this point in the Negative.

Our Answer to the point No. 2:- In view of the above discussion on point No.01, complaint deserves to be dismissed.

Hence, 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/UR/201125/0006997 is hereby dismissed.

No order as to costs.

(Neelamani N Raju)

Member-2
K-RERA

(D. Vishnuvardhana Reddy)

Member-1
K-RERA

(H.C. Kishore Chandra)

Chairman
K-RERA

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