

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 16<sup>th</sup> MAY 2022

**COMPLAINT No. CMP/UR/210421/0007913**

**RAMACHANDRAN KRISHNAMOORTHY**

.....Complainant

Sy.No.51 Ground Flor K.B.Royale Apartment,  
R.S.Gardenia Layout,  
Hosur Main Road,  
Bangalore - 560099.

**V/S**

**K.B. RESIDENCY,**

.....Respondent

Sy.No. 57,58,58/1,  
Kyalasanahalli, Anekal Taluka,  
Bangalore, Bangalore Urban.

The above said complaint has been filed against the project K.B. Residency, promoted by Kataria Builteck Private Limited.

The sum and substance of the complainant is that the promoter is allocating car parking in common areas on payment of consideration. These illegal acts of the promoter has resulted in not only disturbing the peaceful enjoyment of the place of residence by the allottees but also obstructing the ingress and egress while parking the cars in the respective allotted parking space.







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The complainant prays that the common areas which are allocated as parking need to be cancelled in conformity with the approved plan. As the issue raised is a primarily matter for association to consider, it is found appropriate at the juncture to direct the respondent not to allot / sell the common areas and strictly comply with the approved building plan.

Notices were sent to both the parties, to attend hearing on 30/11/2021 on Skype and 11/01/2022 to attend hearing. On 30/11/2021 as were as on 11/01/2022, both the complainants and the respondents were absent.

On a perusal of the complaint, it is seen that the maintenance of the common areas does not seem to have been handed over to the Association of allottees, as required under Section 17 of the Act. However, promoter cannot deny peaceful possession of the parking area to all the allottees by allowing parking in common areas which leads to conflict among the allottees. The Association of allottees is mandated under the Act to regulate the parking areas as well as the common areas.

**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/210421/0007913 is hereby allowed. It is ordered that the promoter / developer shall not

*Vishe*

*He*

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allocate common area for the purposes of car parking. It is for the Association to decide on the usage of common area for the benefit of all the allottees, by ensuring that Rules and Regulations of concerned Authorities and fire services are complied with. As mandated under Section 17 of the Act, the promoter is directed to handover the common areas, including car parking area and such other common amenities to the Association allottees forthwith and submit a compliance memo before the Authority.

(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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