

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

CMP. 2668

**PROCEEDINGS OF THE AUTHORITY BEFORE BENCH 4**

**Dated 1<sup>st</sup> JUNE 2022**

**COMPLAINT NO.: CMP/UR/190416/0002668**

**COMPLAINANTS.....**

**RAJASHEKHAR M S,  
ARATHI RAJASHSKHAR,  
No. 29, NIDHI,  
10 Main, 3 Cross,  
Prashantinagar,  
ISRO Layout,  
Bengaluru Urban – 560078.**

**(In person)**

**V/S**

**RESPONDENT.....**

**SNEHAL MANTRI,  
Mantri Developers Pvt. Ltd.  
Mantri House #41,  
Vittal Mallya Road,  
Bengaluru Urban – 560001.**

**(Rep. by. Sri. E. Suhail Ahmed,  
Advocate)**

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This complaint is filed under section 31 of the RERA Act against the project “Mantri Alpyne” for the relief of compensation.

**Brief facts of the complaint are as under:-**

The complainants have purchased an apartment in the project of respondent in March 2015. There was a delay of more than one and half years to handover the possession. The date of possession as per



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agreement of sale is 31/12/2014. But, the possession was handed over on 01/04/2016. The apartment was registered in March 2015 and during registration MDPL collected extra amount of Rs.8,99,151/-. As per agreement of sale MDPL was supposed to pay them compensation for delayed handover at the rate of Rs.3/- sqft for the delay of 15 months and also interest on extra amount of Rs.8,99,151/- collected for more than one year at the rate of 12% till the final date of handover of apartment on 01/04/2016. Respondent has agreed to pay compensation of Rs.1,36,986/- in April 2016 itself but till date respondent has not paid the same. Hence, this complaint.

After registering the complaint, in pursuance of the notice, the respondent has appeared before the Authority through his counsel and submitted a reply to an enquiry by the Authority that the occupancy certificate of their project was issued on 18/12/2015 and they have completed the project and handed over possession on 01/01/2016 before commencement of RERA Act.

In support of his claim, the complainant has not produced any documents.

On the other hand, the respondent has produced copy of occupancy certificate dated 18/12/2015.

Heard arguments.

**On the above averments, the following points would arise for my consideration:-**

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

*[Handwritten signature]*

**My answer to the above points is as under:-**

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

**REASONS**

**My answer to point No. 1:-** The complainant has sought for compensation towards delay of more than 15 months in handing over possession of apartment. According to him possession was agreed to be handed over on 31/12/2014. However, possession was delivered only on 01/04/2016. In addition, during the time of registration, respondent has collected Rs.8,99,151/- over and above the agreed amount. Therefore, upon delay in handing over possession the respondent is liable to pay compensation at the rate of Rs.3/- sqft apart from interest on extra amount received. Even the respondent has agreed to pay compensation of Rs.1,36,986/- in April 2016. But, so far respondent has not paid any amount.

As against this, specific contention of the respondent is that the project under which complainants have purchased the apartment was completed even before enactment of RERA Act. Therefore, the complaint itself is not maintainable.

Copy of occupancy certificate furnished by the respondent reveals that it was issued on 18/12/2016 itself it is even before RERA came into force on 01/05/2017. Therefore, as rightly contented by the respondent, complaint itself is not maintainable. Accordingly, the point raised above is answered in the Negative.

**My answer to point No. 2:-** In view of the above discussion, I proceed to pass the following order.



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## 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/190416/0002668 is hereby dismissed as not maintainable.

No order as to costs.

  
(H.C. Kishore Chandra)

Chairman  
K-RERA

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