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IN THE KARNATAKA REAL ESTATE REGULATORY AUTHORITY

ORDER SHEET PART - 1

Project / Complaint No. (K-RERA) Cmp:- 433 /2022

Project / Complainant / Applicant

Respondent

INDIRA LEBURU

v/s

Advocate

TATA Value Homes phase-II

Advocate

Date: 10/06/2022

Para No	Office Notes	Orders of Court
		<p>Hon'ble Chairman)</p> <p>The complainant Indira Leburu has filed the complaint u/s. 31 of the Act against the respondent in respect of TATA Value Homes Phase II project for the relief of refund with interest. The grounds urged are that the complainant has booked flat in the project of respondent in September 2014. But, still she didn't get OC and project got delayed for 18 months. She came to know that if OC is not issued to the buyer interest would be 10% for both the parties irrespective of agreement condition. Hence, she sought for refund with interest.</p> <p>In pursuance of the notice the respondent has appeared before the Authority on 10/06/2022 through its counsel and filed response to the complaint as under:-</p> <p>The respondent has denied all the allegations made by the complainant as false. It is contended that the dispute between them has been amicably resolved and as per the request of complainant the respondent has refunded the amount as per the terms and conditions of agreement. Further by an E-mail dated 04/05/2018 the respondent requested the complainant to make balance payment as early as possible to avoid cancellation of booking and that the respondent informed the complainant that their considering the request of complainant to refund. By E-mail dated 14/07/2018 the complainants sought an update from the respondent regarding refund. The respondent has only deducted the service tax paid to Government and shared the calculation of refund with the complainant. After E-mail communications exchanged between the parties finally on 11/09/2018 the respondent has refund the amount of Rs.38,83,203/- to the bank account of complainant towards full and final satisfaction.</p> <p style="text-align: center;"><u>Ans</u></p>

(35)

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JATA VALVE HOMES PHASE - II

Advocate

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Para No	Office Notes	Orders of Court
		<p>During the proceedings, the respondent has furnished the E-mail communications exchanged between them and bank statement of complainant. It is evident from these documents that the respondent on 11/09/2018 has paid amount of Rs.38,83,203/-. During the proceedings, the complainant didn't turn up to put forth his grievance. It appears that after settling the matter with the respondent, the complainant has not appeared for hearing. Hence, the materials on record clearly goes to show that the matter has been resolved between the parties and the complainant has received the refund amount by the respondent. Therefore, complaint is closed as matter is settled between the parties.</p> <p style="text-align: right;"> (H.C. Kishore Chandra) Chairman K-RERA</p>