

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. NO. 6466, 8267, 8268 AND 8277

PROCEEDINGS OF THE AUTHORITY

Dated 20th JUNE 2022

COMPLAINANTS.....

1. CMP/200829/0006466

ANKITA SINHA,

Flat No. 318, A Block,
Green Earth Atrium, Atrium Road,
Off Channasandra Main Road,
Whitefield,
Bengaluru - 560066.

2. CMP/210824/0008267

GANESH P S,

Green Earth Atrium Apartment,
Atrium Road,
Bengaluru - 560066.

3. CMP/210825/0008268

KARTHIKEYAN,

Sy. No. 136, Flat No. A006,
Ground Floor, Green Earth Atrium
Apartment, Atrium Road,
Nagondanahalli,
Bengaluru - 560066.

4. CMP/210827/0008277

BALASUBRAMANI THANGARAJ,

Green Earth Atrium, Flat No. 011,
B- Block, Atrium Road,
Whitefield,
Bengaluru - 560066.

(Rep. by Adv. Prasoon Kumar)

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RESPONDENT.....

GREEN EARTH VENTURES,

No. 1019, Geetanjali Layout,
New Thippasandra, HAL 3rd Stage,
Bengaluru - 560075.

(Rep. by Adv. Arun Gadag)

PROJECT

REGISTRATION: PRM/KA/RERA/1251/446/PR/180131/001516

PROJECT NAME: GREEN EARTH ATRIUM

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These complaints are filed under section 31 of RERA Act against the project "Green Earth Atrium" developed by Green Earth Ventures for the relief of Direction to the respondent to provide Kaveri water connection, pollution certificates of STP from NGT and amenities as agreed.

All these complaints are taken up together for disposal as they are arising from common project and in order to avoid repetition.

Brief Facts of the complaint in Cmp. No. 6466 and 8277 are as under:-

The builder has not made full payment to BWSSB and he has paid only GBWASP charge of Rs. 6 lakhs to BWSSB. The remaining Prorate charges come under Rs. 50 lakhs not paid by the builder. The STP requires approval from Pollution control Board. It is depending on an approval called CFE which should have been taken before starting the construction of the plant. This rule came in the year 2016. The builder has not taken the approval under the impression that the construction started in 2015. Now the issue is without CFE, CFO cannot be applied. It also requires a payment around Rs. 3 to 5 Lakhs. The builder has not provided the amenities as advertised. Hence, these complaints.

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Brief Facts of the complaint in Cmp. No. 8268 are as under:-

The builder had collected Rs.75,000/- per flat and had promised to provide BWSSB and STP connections. But, he didn't do the same and also not responding to form an Association. Hence, this complaint.

Brief Facts of the complaint in Cmp. No. 8267 are as under:-

The builder has not paid BWSSB charges to Government and STP connections were not properly installed in the apartment and not provided many amenities as mentioned in the brochure. Hence, this complaint.

After registering the complaints, the respondent has appeared before the Authority through his counsel and filed objections as under:-

He has denied all the allegations made against him by the complainants as false. He contends that they have obtained sanctioned plan from BBMP and at that time valuation from BWSSB was also done. Thereafter, they obtained commencement certificate and after completion of the project they obtained OC. He has provided the amenities more than what they have promised. They have provided play ground bigger than what was promised in the brochure. At the time of handing over to the Association, as per the request of residents, the respondent has increased CC TV cameras and its capacities, he has provided spare set of pumps and accessories, rain water harvesting wells. The pro-rata charges are one time service charges collected by BWSSB for providing new drinking water and sanitary collection to the building. After due enquiry the builder fixed Rs.75,000/- for each unit towards charges of GBWASB. They have

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already paid charges at the time of construction itself and for this they have produced the receipts.

The only issue regarding project is that the Karnataka Pollution Control Board not recognising or refusing the consent to operate STP for treatment of sewage on illegal demand of bribe. The Pollution Control Board's action amounts not recognising the STP. This Authority may direct the Karnataka Pollution Control Board to permit the authorisation of STP and to resolve the issue once for all. The respondent had spent money towards the process of supplying water, drainage facility, erection of STP, underground sumps and overhead tanks. The owners of apartments have already formed an Association since two years. The respondent has handed over all the documents pertaining to the project and land to the Association. Hence, prayed to dismiss the complaints with costs.

In support of their claim, the complainants have produced in all seven documents such as copies of sale deed, payment receipts, occupancy certificate, RERA registration certificate and allotment.

The Respondent has produced in all three documents in support of its defence such as copies of details of GBWASP charges, occupancy certificate, refusal order from KSPCB and Sujana Patra from BBMP.

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

1. Whether the complainants are entitled for the relief claimed?
2. What order?

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Our Answer to the above points are as under:-

1. Partly Affirmative.
2. As per final order for the following

REASONS

Our answer to point No.1:- On perusal of the complaints, it is apparent that in all the complaints they have sought for following common reliefs such as:-

1. BWSSB water connection.
2. Individual Household BESCOM meters
3. Formation of Association of allottees.
4. Providing occupancy certificate
5. To provide STP

During the pendency of these complaints, the Association of apartment owners came into existence and occupancy certificate has also been obtained from competent Authority. Thereby there is no need to issue any direction in respect of these reliefs.

As regards, remaining three reliefs, respondent has not offered satisfactory explanation as to what prevented him from providing these amenities. The promoter cannot seek exemption from providing these amenities on the ground that he has provided certain other amenities though he has not promised to do so. Therefore, this Authority is of the view that respondent is liable to provide the amenities as agreed. Hence, the point raised above is to be answered partly in the affirmative.

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Our answer to point No. 2:- In view of the above discussion, we proceed to pass the following

ORDER

The complaints bearing No. CMP/200829/0006466, CMP/210824/0008267, CMP/210825/0008268 and CMP/210827/0008277 are hereby partly allowed. In exercise of the powers of the Authority u/s. 37 of the Act, Respondent is directed to take immediate steps to provide 1. BWSSB Water Connection 2. BESCOM individual household separate meters and 3. STP is fully operational and meets the statutory requirements and standards of the KSPCB.

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