

**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 BEFORE BENCH 6**

**Dated 7<sup>TH</sup> JULY 2022**

**COMPLAINT NO.: CMP/201218/0007283**

**COMPLAINANTS.....**

**1. Suma R V**

**2. Kiran Kumar R**

C-401, Arvind Skylands Apartment,  
Shivanahalli, Jakkur,  
Bengaluru - 560064  
(In person)

**V/S**

**RESPONDENTS.....**

**Ozone Urbana Infra Developers Pvt Ltd.**

No.38, Ulsoor Road ,  
Bengaluru - 560042.

(By Sri.Deepak Bhaskar & Associates  
Advocates)

\* \* \* \* \*

**J U D G E M E N T**

This complaint is filed under section 31 of the RERA Act against the project "Ozone Urbana" for the relief of refund with interest and compensation for mental agony.

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

The complainants have booked an apartment in the project of respondent in September 2020 by paying Rs.1,00,000/-. However during their discussion with personnel of the respondent on 08/09/2020 they got to know that the construction has been stopped for a while and RERA extension is applied for. They

MWS,

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have cancelled their booking on 24/09/2020 before any paper work as there has been misrepresentation of facts by the sales team and as they got to know about delayed project in Ozone Urbana. Respondent has not refunded their booking amount till date inspite of lapses from Ozone group. Hence, this complaint.

After registration of the complaint, in pursuance of the notice, the respondent has appeared before the Authority through its counsel but it has not contested the matter by filing statement of objections, producing documents on its behalf, etc.

In support of their claim, the complainants have uploaded in all 5 documents such as copies of email conversation, payment receipt, application form, cost sheet and cancellation request form.

Heard arguments.

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

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

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

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

*Handwritten signature*

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## REASONS

**My answer to point No.1:-** Admittedly, the complainant has paid Rs.1,00,000/- for booking an apartment in the project of respondent in September 2020. Thereafter, the complainants have decided to cancel the booking as they got to know that construction of said project has been stopped. Therefore, the complainants have cancelled their booking on 24/09/2020 before any paper work and requested the builder to refund their amount.

From the averments of the complaint and the copies of email conversation, payment receipts and cancellation form, it is obvious that the complainants have already requested for refund of booking amount. It is relevant to note that in spite of putting in appearance the respondent has not resisted the claim of complainants. Having regard to all these aspects this Authority concludes that the complainants are entitled for refund of booking amount.

During the proceedings, both parties have agreed for a sum of Rs.1,00,000/- towards refund of booking amount.

Further, the complainants have sought for compensation for mental agony. However, awarding compensation for mental agony does not come under the jurisdiction of this Authority.



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Accordingly, the point raised above is answered in the Affirmative.

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

**ORDER**

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. **CMP/201218/0007283** is hereby allowed. Respondent is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the complainants within 60 days from the date of this order. Failing which, the complainants are at liberty to enforce this order in accordance with law.

  
**(Neelmani N Raju)**

Member-2

K-RERA