

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 8th July 2022

COMPLAINT NO.: CMP/210303/0007741

COMPLAINANTS.....

1. P R Subramania Prabhu

2. K S Rekha

1186, 1st Floor, 26th Main,
Jayanagar 9th Block,
Bangalore - 560069
(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 interest on delay.

Brief facts of the complaint are as under:-

The complainants have entered into an agreement of sale in the project of respondent Ozone Urbana. It was agreed to complete and handover the flat on or before July 2016. The respondent has failed to complete the project and hand over the apartment as agreed. There is a delay of 4.5 years in handing over the possession. Hence, this complaint.

HLK

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

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 3 documents such as copies of sale deed, payment receipt and statement of account.

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

REASONS

My answer to point No.1:- From the materials placed on record, it is apparent that inspite of entering into an agreement to handover possession of an apartment by July 2016, the builder has failed to abide by the terms of the agreement. There seems to be no possibility of completing the project or handing over the possession in near future. In addition having chosen to keep silence inspite of appearance about the claim of the complainants, the respondent builder has accepted the claim in question. It is also relevant to note that during the course of proceedings parties have arrived to a

NWS

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

consensus on the amount agreed to be paid for settlement of the claim. Under these circumstances, this Authority is of the opinion that it has no much role to play than endorsing the settlement arrived at by the parties.

During the proceedings both parties have agreed for a sum of Rs.32,29,693/- towards interest on delay as on 24/05/2022.

INTEREST CALCULATION

| S. NO | FROM DATE | TO DATE | NO. OF DAYS | MCLR RATE | INTEREST RATE | INTEREST |
|---|------------|------------|-------------|-----------|------------------------|----------|
| INTEREST CALCULATION FOR AMOUNT PAID TILL POSSESSION 59,86,028 | | | | | | |
| 1 | 01-05-2017 | 01-06-2017 | 31 | 8.15 | 10.15 as on 01-05-2017 | 51,602 |
| 2 | 01-06-2017 | 01-07-2017 | 30 | 8.15 | 10.15 as on 01-06-2017 | 49,938 |
| 3 | 01-07-2017 | 01-08-2017 | 31 | 8.15 | 10.15 as on 01-07-2017 | 51,602 |
| 4 | 01-08-2017 | 01-09-2017 | 31 | 8.15 | 10.15 as on 01-08-2017 | 51,602 |
| 5 | 01-09-2017 | 01-10-2017 | 30 | 8.15 | 10.15 as on 01-09-2017 | 49,938 |
| 6 | 01-10-2017 | 01-11-2017 | 31 | 8.15 | 10.15 as on 01-10-2017 | 51,602 |
| 7 | 01-11-2017 | 01-12-2017 | 30 | 8.1 | 10.1 as on 01-11-2017 | 49,692 |
| 8 | 01-12-2017 | 01-01-2018 | 31 | 8.1 | 10.1 as on 01-12-2017 | 51,348 |
| 9 | 01-01-2018 | 01-02-2018 | 31 | 8.1 | 10.1 as on 01-01-2018 | 51,348 |

14/5/22

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

| | | | | | | |
|----|------------|------------|----|------|------------------------|--------|
| 10 | 01-02-2018 | 01-03-2018 | 28 | 8.1 | 10.1 as on 01-02-2018 | 46,379 |
| 11 | 01-03-2018 | 01-04-2018 | 31 | 8.35 | 10.35 as on 01-03-2018 | 52,619 |
| 12 | 01-04-2018 | 01-05-2018 | 30 | 8.35 | 10.35 as on 01-04-2018 | 50,922 |
| 13 | 01-05-2018 | 01-06-2018 | 31 | 8.35 | 10.35 as on 01-05-2018 | 52,619 |
| 14 | 01-06-2018 | 01-07-2018 | 30 | 8.45 | 10.45 as on 01-06-2018 | 51,414 |
| 15 | 01-07-2018 | 01-08-2018 | 31 | 8.45 | 10.45 as on 01-07-2018 | 53,128 |
| 16 | 01-08-2018 | 01-09-2018 | 31 | 8.45 | 10.45 as on 01-08-2018 | 53,128 |
| 17 | 01-09-2018 | 01-10-2018 | 30 | 8.65 | 10.65 as on 01-09-2018 | 52,398 |
| 18 | 01-10-2018 | 01-11-2018 | 31 | 8.7 | 10.7 as on 01-10-2018 | 54,399 |
| 19 | 01-11-2018 | 01-12-2018 | 30 | 8.7 | 10.7 as on 01-11-2018 | 52,644 |
| 20 | 01-12-2018 | 01-01-2019 | 31 | 8.7 | 10.7 as on 01-11-2018 | 54,399 |
| 21 | 01-01-2019 | 01-02-2019 | 31 | 8.75 | 10.75 as on 10-12-2018 | 54,653 |
| 22 | 01-02-2019 | 01-03-2019 | 28 | 8.75 | 10.75 as on 10-01-2019 | 49,364 |
| 23 | 01-03-2019 | 01-04-2019 | 31 | 8.75 | 10.75 as on 10-02-2019 | 54,653 |
| 24 | 01-04-2019 | 01-05-2019 | 30 | 8.75 | 10.75 as on 10-03-2019 | 52,890 |

46/3

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

| | | | | | | |
|----|------------|------------|----|------|------------------------|--------|
| 25 | 01-05-2019 | 01-06-2019 | 31 | 8.7 | 10.7 as on 10-04-2019 | 54,399 |
| 26 | 01-06-2019 | 01-07-2019 | 30 | 8.65 | 10.65 as on 10-05-2019 | 52,398 |
| 27 | 01-07-2019 | 01-08-2019 | 31 | 8.65 | 10.65 as on 10-06-2019 | 54,144 |
| 28 | 01-08-2019 | 01-09-2019 | 31 | 8.6 | 10.6 as on 10-07-2019 | 53,890 |
| 29 | 01-09-2019 | 01-10-2019 | 30 | 8.45 | 10.45 as on 10-08-2019 | 51,414 |
| 30 | 01-10-2019 | 01-11-2019 | 31 | 8.35 | 10.35 as on 10-09-2019 | 52,619 |
| 31 | 01-11-2019 | 01-12-2019 | 30 | 8.25 | 10.25 as on 10-10-2019 | 50,430 |
| 32 | 01-12-2019 | 01-01-2020 | 31 | 8.2 | 10.2 as on 10-11-2019 | 51,857 |
| 33 | 01-01-2020 | 01-02-2020 | 31 | 8.2 | 10.2 as on 10-12-2019 | 51,857 |
| 34 | 01-02-2020 | 01-03-2020 | 29 | 8.2 | 10.2 as on 10-01-2020 | 48,511 |
| 35 | 01-03-2020 | 01-04-2020 | 31 | 8.15 | 10.15 as on 10-02-2020 | 51,602 |
| 36 | 01-04-2020 | 01-05-2020 | 30 | 8.05 | 10.05 as on 10-03-2020 | 49,446 |
| 37 | 01-05-2020 | 01-06-2020 | 31 | 7.7 | 9.7 as on 10-04-2020 | 49,315 |
| 38 | 01-06-2020 | 01-07-2020 | 30 | 7.55 | 9.55 as on 10-05-2020 | 46,986 |
| 39 | 01-07-2020 | 01-08-2020 | 31 | 7.3 | 9.3 as on 10-06-2020 | 47,281 |

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

| | | | | | | |
|----|------------|------------|----|-----|----------------------|--------|
| 40 | 01-08-2020 | 01-09-2020 | 31 | 7.3 | 9.3 as on 10-07-2020 | 47,281 |
| 41 | 01-09-2020 | 01-10-2020 | 30 | 7.3 | 9.3 as on 10-08-2020 | 45,756 |
| 42 | 01-10-2020 | 01-11-2020 | 31 | 7.3 | 9.3 as on 10-09-2020 | 47,281 |
| 43 | 01-11-2020 | 01-12-2020 | 30 | 7.3 | 9.3 as on 10-10-2020 | 45,756 |
| 44 | 01-12-2020 | 01-01-2021 | 31 | 7.3 | 9.3 as on 10-11-2020 | 47,281 |
| 45 | 01-01-2021 | 01-02-2021 | 31 | 7.3 | 9.3 as on 10-12-2020 | 47,281 |
| 46 | 01-02-2021 | 01-03-2021 | 28 | 7.3 | 9.3 as on 10-01-2021 | 42,705 |
| 47 | 01-03-2021 | 01-04-2021 | 31 | 7.3 | 9.3 as on 10-02-2021 | 47,281 |
| 48 | 01-04-2021 | 01-05-2021 | 30 | 7.3 | 9.3 as on 10-03-2021 | 45,756 |
| 49 | 01-05-2021 | 01-06-2021 | 31 | 7.3 | 9.3 as on 10-04-2021 | 47,281 |
| 50 | 01-06-2021 | 01-07-2021 | 30 | 7.3 | 9.3 as on 15-05-2021 | 45,756 |
| 51 | 01-07-2021 | 01-08-2021 | 31 | 7.3 | 9.3 as on 15-06-2021 | 47,281 |
| 52 | 01-08-2021 | 01-09-2021 | 31 | 7.3 | 9.3 as on 15-07-2021 | 47,281 |
| 53 | 01-09-2021 | 01-10-2021 | 30 | 7.3 | 9.3 as on 15-08-2021 | 45,756 |
| 54 | 01-10-2021 | 01-11-2021 | 31 | 7.3 | 9.3 as on 15-09-2021 | 47,281 |

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

| | | | | | | |
|----|------------|------------|----|-----|----------------------|--------|
| 55 | 01-11-2021 | 01-12-2021 | 30 | 7.3 | 9.3 as on 15-10-2021 | 45,756 |
| 56 | 01-12-2021 | 01-01-2022 | 31 | 7.3 | 9.3 as on 15-11-2021 | 47,281 |
| 57 | 01-01-2022 | 01-02-2022 | 31 | 7.3 | 9.3 as on 15-12-2021 | 47,281 |
| 58 | 01-02-2022 | 01-03-2022 | 28 | 7.3 | 9.3 as on 15-01-2022 | 42,705 |
| 59 | 01-03-2022 | 01-04-2022 | 31 | 7.3 | 9.3 as on 15-02-2022 | 47,281 |
| 60 | 01-04-2022 | 01-05-2022 | 30 | 7.3 | 9.3 as on 15-03-2022 | 45,756 |
| 61 | 01-05-2022 | 24-05-2022 | 23 | 7.3 | 9.3 as on 15-03-2022 | 35,079 |

INTEREST CALCULATION FOR 1 SUBSEQUENT PAYMENT 4,22,535

| | | | | | | |
|---|------------|------------|----|------|------------------------|-------|
| 1 | 15-05-2017 | 15-06-2017 | 31 | 8.15 | 10.15 as on 01-05-2017 | 3,642 |
| 2 | 15-06-2017 | 15-07-2017 | 30 | 8.15 | 10.15 as on 01-06-2017 | 3,524 |
| 3 | 15-07-2017 | 15-08-2017 | 31 | 8.15 | 10.15 as on 01-07-2017 | 3,642 |
| 4 | 15-08-2017 | 15-09-2017 | 31 | 8.15 | 10.15 as on 01-08-2017 | 3,642 |
| 5 | 15-09-2017 | 15-10-2017 | 30 | 8.15 | 10.15 as on 01-09-2017 | 3,524 |
| 6 | 15-10-2017 | 15-11-2017 | 31 | 8.15 | 10.15 as on 01-10-2017 | 3,642 |
| 7 | 15-11-2017 | 15-12-2017 | 30 | 8.1 | 10.1 as on 01-11-2017 | 3,507 |
| 8 | 15-12-2017 | 15-01-2018 | 31 | 8.1 | 10.1 as on 01-12-2017 | 3,624 |

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

| | | | | | | |
|----|------------|------------|----|------|------------------------|-------|
| 9 | 15-01-2018 | 15-02-2018 | 31 | 8.1 | 10.1 as on 01-01-2018 | 3,624 |
| 10 | 15-02-2018 | 15-03-2018 | 28 | 8.1 | 10.1 as on 01-02-2018 | 3,273 |
| 11 | 15-03-2018 | 15-04-2018 | 31 | 8.35 | 10.35 as on 01-03-2018 | 3,714 |
| 12 | 15-04-2018 | 15-05-2018 | 30 | 8.35 | 10.35 as on 01-04-2018 | 3,594 |
| 13 | 15-05-2018 | 15-06-2018 | 31 | 8.35 | 10.35 as on 01-05-2018 | 3,714 |
| 14 | 15-06-2018 | 15-07-2018 | 30 | 8.45 | 10.45 as on 01-06-2018 | 3,629 |
| 15 | 15-07-2018 | 15-08-2018 | 31 | 8.45 | 10.45 as on 01-07-2018 | 3,750 |
| 16 | 15-08-2018 | 15-09-2018 | 31 | 8.45 | 10.45 as on 01-08-2018 | 3,750 |
| 17 | 15-09-2018 | 15-10-2018 | 30 | 8.65 | 10.65 as on 01-09-2018 | 3,698 |
| 18 | 15-10-2018 | 15-11-2018 | 31 | 8.7 | 10.7 as on 01-10-2018 | 3,839 |
| 19 | 15-11-2018 | 15-12-2018 | 30 | 8.7 | 10.7 as on 01-11-2018 | 3,715 |
| 20 | 15-12-2018 | 15-01-2019 | 31 | 8.75 | 10.75 as on 10-12-2018 | 3,857 |
| 21 | 15-01-2019 | 15-02-2019 | 31 | 8.75 | 10.75 as on 10-01-2019 | 3,857 |
| 22 | 15-02-2019 | 15-03-2019 | 28 | 8.75 | 10.75 as on 10-02-2019 | 3,484 |
| 23 | 15-03-2019 | 15-04-2019 | 31 | 8.75 | 10.75 as on 10-03-2019 | 3,857 |

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

| | | | | | | |
|----|------------|------------|----|------|------------------------|-------|
| 24 | 15-04-2019 | 15-05-2019 | 30 | 8.7 | 10.7 as on 10-04-2019 | 3,715 |
| 25 | 15-05-2019 | 15-06-2019 | 31 | 8.65 | 10.65 as on 10-05-2019 | 3,821 |
| 26 | 15-06-2019 | 15-07-2019 | 30 | 8.65 | 10.65 as on 10-06-2019 | 3,698 |
| 27 | 15-07-2019 | 15-08-2019 | 31 | 8.6 | 10.6 as on 10-07-2019 | 3,803 |
| 28 | 15-08-2019 | 15-09-2019 | 31 | 8.45 | 10.45 as on 10-08-2019 | 3,750 |
| 29 | 15-09-2019 | 15-10-2019 | 30 | 8.35 | 10.35 as on 10-09-2019 | 3,594 |
| 30 | 15-10-2019 | 15-11-2019 | 31 | 8.25 | 10.25 as on 10-10-2019 | 3,678 |
| 31 | 15-11-2019 | 15-12-2019 | 30 | 8.2 | 10.2 as on 10-11-2019 | 3,542 |
| 32 | 15-12-2019 | 15-01-2020 | 31 | 8.2 | 10.2 as on 10-12-2019 | 3,660 |
| 33 | 15-01-2020 | 15-02-2020 | 31 | 8.2 | 10.2 as on 10-01-2020 | 3,660 |
| 34 | 15-02-2020 | 15-03-2020 | 29 | 8.15 | 10.15 as on 10-02-2020 | 3,407 |
| 35 | 15-03-2020 | 15-04-2020 | 31 | 8.05 | 10.05 as on 10-03-2020 | 3,606 |
| 36 | 15-04-2020 | 15-05-2020 | 30 | 7.7 | 9.7 as on 10-04-2020 | 3,368 |
| 37 | 15-05-2020 | 15-06-2020 | 31 | 7.55 | 9.55 as on 10-05-2020 | 3,427 |
| 38 | 15-06-2020 | 15-07-2020 | 30 | 7.3 | 9.3 as on 10-06-2020 | 3,229 |

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

| | | | | | | |
|----|------------|------------|----|-----|----------------------|-------|
| 39 | 15-07-2020 | 15-08-2020 | 31 | 7.3 | 9.3 as on 10-07-2020 | 3,337 |
| 40 | 15-08-2020 | 15-09-2020 | 31 | 7.3 | 9.3 as on 10-08-2020 | 3,337 |
| 41 | 15-09-2020 | 15-10-2020 | 30 | 7.3 | 9.3 as on 10-09-2020 | 3,229 |
| 42 | 15-10-2020 | 15-11-2020 | 31 | 7.3 | 9.3 as on 10-10-2020 | 3,337 |
| 43 | 15-11-2020 | 15-12-2020 | 30 | 7.3 | 9.3 as on 10-11-2020 | 3,229 |
| 44 | 15-12-2020 | 15-01-2021 | 31 | 7.3 | 9.3 as on 10-12-2020 | 3,337 |
| 45 | 15-01-2021 | 15-02-2021 | 31 | 7.3 | 9.3 as on 10-01-2021 | 3,337 |
| 46 | 15-02-2021 | 15-03-2021 | 28 | 7.3 | 9.3 as on 10-02-2021 | 3,014 |
| 47 | 15-03-2021 | 15-04-2021 | 31 | 7.3 | 9.3 as on 10-03-2021 | 3,337 |
| 48 | 15-04-2021 | 15-05-2021 | 30 | 7.3 | 9.3 as on 10-04-2021 | 3,229 |
| 49 | 15-05-2021 | 15-06-2021 | 31 | 7.3 | 9.3 as on 15-05-2021 | 3,337 |
| 50 | 15-06-2021 | 15-07-2021 | 30 | 7.3 | 9.3 as on 15-06-2021 | 3,229 |
| 51 | 15-07-2021 | 15-08-2021 | 31 | 7.3 | 9.3 as on 15-07-2021 | 3,337 |
| 52 | 15-08-2021 | 15-09-2021 | 31 | 7.3 | 9.3 as on 15-08-2021 | 3,337 |
| 53 | 15-09-2021 | 15-10-2021 | 30 | 7.3 | 9.3 as on 15-09-2021 | 3,229 |

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

| | | | | | | |
|---|------------|------------|----|-----|----------------------|-----------|
| 54 | 15-10-2021 | 15-11-2021 | 31 | 7.3 | 9.3 as on 15-10-2021 | 3,337 |
| 55 | 15-11-2021 | 15-12-2021 | 30 | 7.3 | 9.3 as on 15-11-2021 | 3,229 |
| 56 | 15-12-2021 | 15-01-2022 | 31 | 7.3 | 9.3 as on 15-12-2021 | 3,337 |
| 57 | 15-01-2022 | 15-02-2022 | 31 | 7.3 | 9.3 as on 15-01-2022 | 3,337 |
| 58 | 15-02-2022 | 15-03-2022 | 28 | 7.3 | 9.3 as on 15-02-2022 | 3,014 |
| 59 | 15-03-2022 | 15-04-2022 | 31 | 7.3 | 9.3 as on 15-03-2022 | 3,337 |
| 60 | 15-04-2022 | 15-05-2022 | 30 | 7.3 | 9.3 as on 15-03-2022 | 3,229 |
| 61 | 15-05-2022 | 24-05-2022 | 9 | 7.3 | 9.3 as on 15-03-2022 | 968 |
| TOTAL DELAYED INTEREST as on 24/05/2022 | | | | | | 32,29,623 |

In view of the same, point No.1 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/210303/0007741** is hereby allowed. Respondent is directed to pay a sum of Rs. 32,29,623/- (Rupees Thirty two lakh twenty nine thousand six hundred and twenty three rupees only) as on 24/05/2022 to the complainants

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
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within 60 days from the date of this order. The interest accruing from 25/05/2022 till the date of final payment will be calculated and paid likewise. Failing which, the complainants are at liberty to enforce this order in accordance with law.


(Neelmani N Raju)

Member-2
K-RERA

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