

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 12th July 2022

COMPLAINT NO.: CMP/220111/0008774

COMPLAINANTS.....

1. Sudhir R

2. Sreelakshmi S

Flat No 1218, Dunmore Block,
Raja Aristos,
Dodda Kammanahalli Main Road,
Off Bannerghatta Road
Bangalore - 560076

(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 purchased an apartment in the project of respondent by entering into an agreement for sale and construction agreement on 02/12/2015. As per the agreement respondent was supposed to handover the apartment within 2 years. Even with the grace period it was supposed to handover



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the possession by 30/06/2018, but till today the respondent has not handover the apartment to the complainants. 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 and produced in all 4 documents such as copies of Agreement of Sale, construction agreement, payment receipt, allotment letter.

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 the possession of an apartment within 2 years from the date of agreement for sale dated 02/12/2015 and even with the grace period the respondent was supposed to handover the possession by 30/06/2018, the builder has failed to abide by the terms of the

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agreement and not handover the possession of the apartment to the complainants till today.

In addition, having chosen to keep silence inspite of appearance about the claim of the complainants, the respondent builder has virtually accepted the claim in question. It is also relevant to note that during the course of proceedings parties have arrived to a 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.47,25,307/- (Rupees Forty seven lakh twenty five thousand three hundred and seven only) as on 04/06/2022.

Therefore, it is incumbent upon the respondent to pay interest on delay which is determined as under.

Payment Details			
S.NO	TYPE	AMOUNT	DATE
1	TOTAL PAYMENT TILL POSSESSION	1,21,79,168	30-06-2018

Interest Calculation						
S.NO	FROM DATE	TO DATE	NO. OF DAYS	MCLR RATE	INTEREST RATE	INTEREST
INTEREST CALCULATION FOR AMOUNT PAID TILL POSSESSION 12,179,168						
1	30-06-2018	30-07-2018	30	8.45	10.45 as on 01-06-2018	1,04,607
2	30-07-2018	30-08-2018	31	8.45	10.45 as on 01-07-2018	1,08,094

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3	30-08-2018	30-09-2018	31	8.45	10.45 as on 01-08-2018	1,08,094
4	30-09-2018	30-10-2018	30	8.65	10.65 as on 01-09-2018	1,06,609
5	30-10-2018	30-11-2018	31	8.7	10.7 as on 01-10-2018	1,10,680
6	30-11-2018	30-12-2018	30	8.7	10.7 as on 01-11-2018	1,07,109
7	30-12-2018	30-01-2019	31	8.75	10.75 as on 10-12-2018	1,11,197
8	30-01-2019	28-02-2019	29	8.75	10.75 as on 10-01-2019	1,04,023
9	28-02-2019	28-03-2019	28	8.75	10.75 as on 10-02-2019	1,00,436
10	28-03-2019	28-04-2019	31	8.75	10.75 as on 10-03-2019	1,11,197
11	28-04-2019	28-05-2019	30	8.7	10.7 as on 10-04-2019	1,07,109
12	28-05-2019	28-06-2019	31	8.65	10.65 as on 10-05-2019	1,10,163
13	28-06-2019	28-07-2019	30	8.65	10.65 as on 10-06-2019	1,06,609
14	28-07-2019	28-08-2019	31	8.6	10.6 as on 10-07-2019	1,09,645
15	28-08-2019	28-09-2019	31	8.45	10.45 as on 10-08-2019	1,08,094
16	28-09-2019	28-10-2019	30	8.35	10.35 as on 10-09-2019	1,03,606
17	28-10-2019	28-11-2019	31	8.25	10.25 as on 10-10-2019	1,06,025

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18	28-11-2019	28-12-2019	30	8.2	10.2 as on 10-11-2019	1,02,104
19	28-12-2019	28-01-2020	31	8.2	10.2 as on 10-12-2019	1,05,508
20	28-01-2020	28-02-2020	31	8.2	10.2 as on 10-01-2020	1,05,508
21	28-02-2020	28-03-2020	29	8.15	10.15 as on 10-02-2020	98,217
22	28-03-2020	28-04-2020	31	8.05	10.05 as on 10-03-2020	1,03,956
23	28-04-2020	28-05-2020	30	7.7	9.7 as on 10-04-2020	97,099
24	28-05-2020	28-06-2020	31	7.55	9.55 as on 10-05-2020	98,784
25	28-06-2020	28-07-2020	30	7.3	9.3 as on 10-06-2020	93,095
26	28-07-2020	28-08-2020	31	7.3	9.3 as on 10-07-2020	96,198
27	28-08-2020	28-09-2020	31	7.3	9.3 as on 10-08-2020	96,198
28	28-09-2020	28-10-2020	30	7.3	9.3 as on 10-09-2020	93,095
29	28-10-2020	28-11-2020	31	7.3	9.3 as on 10-10-2020	96,198
30	28-11-2020	28-12-2020	30	7.3	9.3 as on 10-11-2020	93,095
31	28-12-2020	28-01-2021	31	7.3	9.3 as on 10-12-2020	96,198
32	28-01-2021	28-02-2021	31	7.3	9.3 as on 10-01-2021	96,198

14/11/21

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33	28-02-2021	28-03-2021	28	7.3	9.3 as on 10-02-2021	86,889
34	28-03-2021	28-04-2021	31	7.3	9.3 as on 10-03-2021	96,198
35	28-04-2021	28-05-2021	30	7.3	9.3 as on 10-04-2021	93,095
36	28-05-2021	28-06-2021	31	7.3	9.3 as on 15-05-2021	96,198
37	28-06-2021	28-07-2021	30	7.3	9.3 as on 15-06-2021	93,095
38	28-07-2021	28-08-2021	31	7.3	9.3 as on 15-07-2021	96,198
39	28-08-2021	28-09-2021	31	7.3	9.3 as on 15-08-2021	96,198
40	28-09-2021	28-10-2021	30	7.3	9.3 as on 15-09-2021	93,095
41	28-10-2021	28-11-2021	31	7.3	9.3 as on 15-10-2021	96,198
42	28-11-2021	28-12-2021	30	7.3	9.3 as on 15-11-2021	93,095
43	28-12-2021	28-01-2022	31	7.3	9.3 as on 15-12-2021	96,198
44	28-01-2022	28-02-2022	31	7.3	9.3 as on 15-01-2022	96,198
45	28-02-2022	28-03-2022	28	7.3	9.3 as on 15-02-2022	86,889
46	28-03-2022	28-04-2022	31	7.3	9.3 as on 15-03-2022	96,198
47	28-04-2022	28-05-2022	30	7.3	9.3 as on 15-03-2022	93,095

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48	28-05-2022	04-06-2022	7	7.3	9.3 as on 15-03-2022	21,722
					TOTAL DELAYED INTEREST as on 04/06/2022	47,25,307

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/220111/0008774** is hereby allowed. Respondent is directed to pay a sum of Rs. Rs.47,25,307/- (Rupees Forty seven lakh twenty five thousand three hundred and seven only) to the complainants within 60 days from the date of this order. The interest accruing from 05/06/2022 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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