

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 29th JULY 2022

COMPLAINT NO.:CMP/200317/005751

COMPLAINANT.....

Mrs. Santhi Lakshmanan

A-5, Pioneer Towers,
1-A Cross, SR Layout,
Murugeshpalya,
Bengaluru -560017.

(By Advocates Sri.M. Mohan Kumar,
Sri.H. Santosh of Lawman & Associates)

V/S

RESPONDENT.....

**MANTRI TECHNOLOGY
CONSTELLATIONS Pvt Ltd.**

Mantri House,
No.1, Vittal Mallya Road,
Bengaluru – 560001.

(By Sri.Sunil P Prasad & Associates
Advocates)

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J U D G E M E N T

This complaint is filed under section 31 of the RERA Act against the project “MANTRI MANYATA ENERGIA” for the relief of interest on delay in handing over the apartment and compensation for mental agony.

Brief facts of the complaint are as under:-

The complainant has purchased an apartment in the project of respondent in November 2015 at a total cost of Rs.98,86,083/- and entered into an agreement for sale and construction on 18/3/2016. The complainant has paid a sum of Rs.85,12,164/- as on 26/10/2018 to the respondent. The respondent had undertaken to deliver the possession of the apartment along with Occupancy

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Certificate on or before 31/12/2018. The respondent failed to complete the project on time, because of which the complainant had to undergo financial crisis. The complainant further says that the conduct of the respondent has caused acute mental agony and torture and alleges that the respondent has indulged in unfair trade practice and enriched themselves at the cost of the complainant. Due to the delay in completion and handing over of the apartment, the complainant has been put into immense mental pain and agony. As per agreement the respondent was under obligation to handover possession on or before 31/12/2018. After several reminders by the complainant regarding completion, the respondent has failed to complete the project as agreed. Hence, the respondent is liable to pay delay period interest.

After registration of the complaint, in pursuance of the notice, the respondent has appeared before the Authority through its counsel. But not contested the matter by filing objections and producing documents etc.

In support of her claim, the complainant has produced in all 7 documents such as copies of the cost of apartment as per agreement (Table-A), Details of Payment made (Table-B), Delayed interest calculation sheet, allotment letter with booking receipt, Agreement of sale and construction, payment receipts, e mail communication.

Heard arguments.

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

1. Whether the complainant is 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

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REASONS

1. **My answer to point No.1:-** It is undisputed that the respondent has failed to handover possession of the apartment to the complainant herein within agreed time. As per the terms of agreement of sale between the parties, the possession of the apartment had to be handed over before the end of December 2018. Hence, the complainant approached the Authority for interest on delay period.

From the averments of the complaint and the copies of agreement between the parties, it is obvious that complainant has already paid substantial portion of the sale consideration amount. Having accepted the said amount and failure to keep up promise to handover possession of apartment even after nearly 5 years by the respondent, certainly entitles the complainant herein for delay period interest. It is also relevant to note that in spite of putting in appearance, the respondent has not resisted the complaint. Having regard to all these aspects, this Authority concludes that the complainant is entitled for interest on delay period.

Further, the complainant has sought for compensation for mental agony which does not come under the jurisdiction of this Authority and hence, same cannot be considered.

Therefore, it is incumbent upon the respondent to refund the amount with interest which is determined as under:

Payment Details			
S.NO	TYPE	AMOUNT	DATE
1	TOTAL PAYMENT TILL POSSESSION	8512164	31-12-2018

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Interest Calculation from 31/12/2018 to 16/7/2022						
S.NO	FROM DATE	TO DATE	NO. OF DAYS	MCLR RATE	INTEREST RATE	INTEREST
INTEREST CALCULATION FOR AMOUNT PAID TILL POSSESSION 8,512,164						
1	31-12-2018	31-01-2019	31	8.75	10.75 as on 10-12-2018	77,717
2	31-01-2019	28-02-2019	28	8.75	10.75 as on 10-01-2019	70,196
3	28-02-2019	28-03-2019	28	8.75	10.75 as on 10-02-2019	70,196
4	28-03-2019	28-04-2019	31	8.75	10.75 as on 10-03-2019	77,717
5	28-04-2019	28-05-2019	30	8.7	10.7 as on 10-04-2019	74,860
6	28-05-2019	28-06-2019	31	8.65	10.65 as on 10-05-2019	76,994
7	28-06-2019	28-07-2019	30	8.65	10.65 as on 10-06-2019	74,510
8	28-07-2019	28-08-2019	31	8.6	10.6 as on 10-07-2019	76,632
9	28-08-2019	28-09-2019	31	8.45	10.45 as on 10-08-2019	75,548
10	28-09-2019	28-10-2019	30	8.35	10.35 as on 10-09-2019	72,411
11	28-10-2019	28-11-2019	31	8.25	10.25 as on 10-10-2019	74,102
12	28-11-2019	28-12-2019	30	8.2	10.2 as on 10-11-2019	71,362
13	28-12-2019	28-01-2020	31	8.2	10.2 as on 10-12-2019	73,740
14	28-01-2020	28-02-2020	31	8.2	10.2 as on 10-01-2020	73,740
15	28-02-2020	28-03-2020	29	8.15	10.15 as on 10-02-2020	68,645
16	28-03-2020	28-04-2020	31	8.05	10.05 as on 10-03-2020	72,656
17	28-04-2020	28-05-2020	30	7.7	9.7 as on 10-04-2020	67,864
18	28-05-2020	28-06-2020	31	7.55	9.55 as on 10-05-2020	69,041
19	28-06-2020	28-07-2020	30	7.3	9.3 as on 10-06-2020	65,065

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20	28-07-2020	28-08-2020	31	7.3	9.3 as on 10-07-2020	67,234
21	28-08-2020	28-09-2020	31	7.3	9.3 as on 10-08-2020	67,234
22	28-09-2020	28-10-2020	30	7.3	9.3 as on 10-09-2020	65,065
23	28-10-2020	28-11-2020	31	7.3	9.3 as on 10-10-2020	67,234
24	28-11-2020	28-12-2020	30	7.3	9.3 as on 10-11-2020	65,065
25	28-12-2020	28-01-2021	31	7.3	9.3 as on 10-12-2020	67,234
26	28-01-2021	28-02-2021	31	7.3	9.3 as on 10-01-2021	67,234
27	28-02-2021	28-03-2021	28	7.3	9.3 as on 10-02-2021	60,727
28	28-03-2021	28-04-2021	31	7.3	9.3 as on 10-03-2021	67,234
29	28-04-2021	28-05-2021	30	7.3	9.3 as on 10-04-2021	65,065
30	28-05-2021	28-06-2021	31	7.3	9.3 as on 15-05-2021	67,234
31	28-06-2021	28-07-2021	30	7.3	9.3 as on 15-06-2021	65,065
32	28-07-2021	28-08-2021	31	7.3	9.3 as on 15-07-2021	67,234
33	28-08-2021	28-09-2021	31	7.3	9.3 as on 15-08-2021	67,234
34	28-09-2021	28-10-2021	30	7.3	9.3 as on 15-09-2021	65,065
35	28-10-2021	28-11-2021	31	7.3	9.3 as on 15-10-2021	67,234
36	28-11-2021	28-12-2021	30	7.3	9.3 as on 15-11-2021	65,065
37	28-12-2021	28-01-2022	31	7.3	9.3 as on 15-12-2021	67,234
38	28-01-2022	28-02-2022	31	7.3	9.3 as on 15-01-2022	67,234
39	28-02-2022	28-03-2022	28	7.3	9.3 as on 15-02-2022	60,727

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40	28-03-2022	28-04-2022	31	7.3	9.3 as on 15-03-2022	67,234
41	28-04-2022	28-05-2022	30	7.4	9.4 as on 15-04-2022	65,765
42	28-05-2022	28-06-2022	31	7.5	9.5 as on 15-05-2022	68,680
43	28-06-2022	16-07-2022	18	7.7	9.7 as on 15-06-2022	40,718
					TOTAL DELAYED INTEREST as on 16/07/2022	29,44,045

Accordingly 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.

ORDER

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No.CMP/200317/0005751 is hereby allowed. Respondent is directed to pay the amount of Rs.29,44,045/- (Rupees Twenty Nine Lakh Forty Four Thousand and Forty Five only) calculated at MCLR + 2% from 31/12/2018 till 16/7/2022 to the complainant within 60 days from the date of this order. The interest due from 17/7/2022 up to the date of final payment will be calculated likewise and paid to the complainant. The complainant is at liberty to initiate action for recovery in accordance with law if the respondent fails to pay the amount as per the order of this Authority.


(Neelmani N Raju)
Member-2, K-RERA