

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 BEFORE THE AUTHORITY

Dated 1st AUGUST 2022

COMPLAINT NO: CMP/200819/0006388

COMPLAINANT.....

WILSON PEREIRA,

No. 7082, Prestige Shantiniketan,
Bengaluru – 560048.

(In person)

V/S.

RESPONDENT.....

1. MR. SURESH KRISHNA

House of Hiranandani, Sanna
Ammanikere, Prasannahalli
Village, Kasaba Hobli,
Devanahalli Taluk,
Bengaluru – 562110.

2. SHRUTHI PRASANNA,

House of Hiranandani, 757/B,
100 Feet Road, HAL 2nd Stage,
Indiranagar,
Bengaluru – 560038.

(Both exparte)

* * * * *

This complaint is filed under Section 31 of the RERA Act against the project “The Villas” for the relief of compensation.

Brief facts of the complaint are as under:-

The complainant has entered into an agreement for sale and construction agreement in the project “The Villas” of the respondent

Abd

Lakepoint Builders Private Limited to purchase the apartment by paying total sale consideration of Rs.46,70,625/- (Rupees Forty six lakhs seventy thousand six hundred and twenty five only). When he had booked the apartment, extended balcony was not in the plan and the plan was altered after the booking and prior to delivery. Hence, he had no option, but to accept the change in plan and he was compelled to pay more for the extended balcony. Now, he is having problems with pigeons and monkeys making a mess. So, he asked the respondent to install a support structure for monkey netting but the respondent has refused. Hence, this complaint.

After registering the complaint, in pursuance of the notice, the respondents have not appeared before the Authority to contest the matter. Hence, they have been placed exparte.

In support of his claim, the complainant has produced in all 4 documents such as copies of allotment letter, e-mails, construction agreement and undertaking letter.

This matter was heard on 17/06/2022, 30/06/2022, 12/07/2022, 19/07/2022 and 26/07/2022.

Heard arguments.

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

1. Whether the complaint is maintainable?
2. Whether the complainant is entitled for the relief claimed?
3. What order?

My answer to the above points are as under:-

1. In the Negative.

2. In the Negative.

3. As per final order for the following

REASONS

My answer to the point No.1:- Grievance of the complainant is that respondent has extended balcony of his apartment after the booking and prior to handing over possession which was not in the plan and he was compelled to pay more for the same. Because of this extended balcony he is facing problems with pigeons and monkeys as there is no netting. When he asked the respondent to install net to avoid the same, the respondent has refused. Hence, he has approached this forum seeking the relief that first option is to restore balcony to the size as per agreement with refund @ 18% interest. Next option is to construct parapet on top of the extended balcony for installing net.

During proceedings, the complainant himself has produced occupancy certificate dated 27/04/2017. Perused the same. This Occupancy Certificate has been obtained before enactment of RERA. No material has been placed on record to show that the said project is ongoing as on 01/05/2017 when the RERA came into effect.

Hence, complaint is not maintainable. According, the point raised above is answered in the Negative.

My answer to the point No. 2:- As the said project is not ongoing as on 01/05/2017 when the RERA came into force, the complainant would not be entitled for the relief claimed in the complaint. Accordingly, this point is answered in the Negative.

My answer to the point No.3:- In view of the above discussion, we proceed to pass the following



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ORDER

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. CMP/200819/0006388 is hereby dismissed as "not maintainable".

No order as to costs.



(H.C. Kishore Chandra)

Chairman

K-RERA

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