

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 - 4

Dated 2nd SEPTEMBER 2022

PRESENT:

Hon'ble Chairman Sri. H. C. Kishore Chandra

COMPLAINT NO. CMP/220507/0009431

COMPLAINANTS.....

PUNITH PAWAR .K &

SARITHA .M

Flat No. F-202, 2nd Floor,
'F' Block, N R Windgates,
Chokkanahalli Village,
Yelahanka Hobli,
Bengaluru - 560064.

**(Rep. by Sri. Hitendra Hiremath,
Adv.)**

V/S.

RESPONDENTS.....

**M/S. NR GREENWOOD CONSTRUCTION
PVT. LTD.,**

#396, 3rd Floor, 1st Main, KHM Block,
Judges Colony, Ganganagar,
Bengaluru - 560032.

(In person)

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J U D G E M E N T

1. This complaint is filed under section 31 of the RERA Act against the respondent with regard to the project "NR Windgates" developed by M/S. NR

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Greenwood Construction Pvt. Ltd., registered as
PRM/KA/RERA/1251/309/PR/171026/000322 for the relief of Direction to
the respondent to provide entry and exit as per the approved plan.

2. The complainants have purchased an apartment bearing No.F-202 in the project of respondent situated at Sy. No's. 36/2 and 94/2, Chokkanahalli Village, Yelahanka Hobli, Bengaluru North Taluk, Bengaluru District through a sale deed dated 22/11/2018. Subsequently, the complainants have noticed that at the time of buying the apartment there was a separate entry for all the residents of Block A to F from gate - 1 and the same was in consensus with the plan shared with the complainants. But when they moved into their apartment, the respondent asked them to have entry and exit from gate-2 temporarily and the entry from gate-1 will be made once the basement / driveways are connected between the block A and B to Block C to D buildings. Now, it has been almost 2 years, neither the basement nor the driveways are connected. Residents of Block C to F are compelled to use the gate No. 2 as entry and exit to their respective apartments. Hence, this complaint.
3. In pursuance of the notice the respondent has appeared before the Authority. But, has not contested the matter by filing objections and producing documents etc.,
4. During the proceedings, on 02/09/2022 the respondent advocate has submitted they have no objection to remove the wall constructed on the basement between Block A and B.
5. **Based on the above documents the following points would arise for my consideration:-**
 - 1) Whether the complainants are entitled for the relief claimed?
 - 2) What order?

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6. My Answer to the above points are as under:-

- 1) In the Affirmative
- 2) As per final order for the following

REASONS

7. **My answer to the Point No. 1:** Claim of the complainants is that the respondent has not provided the gate for entry and exit to the residents of their project as per sanctioned plan.
8. From the material available on record such as basement floor plan as approved by the BBMP, it clearly goes to show that, the main gate is towards South for entry and exit gate is towards East. Grievance of the complainant is that after execution of sale deed and occupying the possession of their respective apartments, the respondent had requested them to use gate No. 2 for time being for entry and exit. But, same has been continued till now without removing the wall constructed between Block A and B on the basement.
9. However, the respondent has not contested the matter and has fairly admitted that he is going to remove the wall constructed on the basement between Block A and B. Hence, there is no much scope remained for further discussion. When the respondent himself has voluntarily admitted to remove the said wall, he can be directed to provide the gate for entry and exit as per approved plan. Accordingly, the point raised above is answered in the affirmative.
10. **My answer to the Point No. 2:** In view of the above discussion, the complaint deserves to be allowed. Hence, I proceed to pass the following

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Karnataka Real Estate Regulatory Authority,

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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/220507/0009431 is hereby allowed.

2. Respondent is hereby directed to remove the wall constructed on the basement between Block A and B within 10 days from the date of this order.

3. Failing which, the complainants are at liberty to initiate action in accordance with law.

No order as to costs.



(H.C. Kishore Chandra)

Chairman
K-RERA