

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 3rd September 2022

COMPLAINT No: CMP/UR/170827/0000039

COMPLAINANT....

Mahadevan Padmanabhan

R/o No: 28, B2, first floor

Vinayaka Nagar

Bangalore-560 068

(in person)

V/S

RESPONDENT.....

**M/s Shriram Properties Private
Limited**

No.173, 3rd Main, A.E.C.S. Layout

1st Stage, Sanjaynagar,

Bangalore-560 074.

(Rep. by Sumithra N. Advocate)

JUDGEMENT

1. This complaint is filed under section 31 of the RERA Act against the project “**SHRIRAM SMRITHI**” developed by “M/s Shriram Properties Private Limited” for the relief of interest on delay in handing over the apartment. This complaint is registered in Complaint No. **CMP/UR/170827/0000039**. This project is not a registered project.

2. The gist of the complaint is that the complainant has booked the apartment bearing n. NJ 406 in the year 2015 and received allotment letter from the



respondent on 25.06.2015. The complainant has made payment of Rs.5.00 lakhs as advance payment August 2015 and booked the apartment under the scheme "Pay Rs.5,00,000/- at the time of booking and the balance at the time of Registration". This is confirmed by the respondent vide email dated 12th August 2015 and the balance amount in the property cost, the client needs to clear once the flat is ready. It is submitted by the complainant that the respondent has sent demand note in January 2016 asking the complainant to make the payments of remaining 95% of the overall cost for initiating registration process from the month of January 2016 itself.

3. It is stated that the respondent has assured the complainant that the apartment would be ready for possession by February 2016 and on demand by the respondent the complainant has paid an additional amount of Rs.12,70,000/- in February 2016. Subsequently he has received another mail from the respondent stating the apartment would be completed by July 2016.

4. It is submitted by the complainant that he has sent email to respondent on 20th April 2017 to compensate by giving 3 options such as (a) interest till 15th April, (b) transfer of the additional amount of Rs.12,70,000/- (c) compensation for the interest accrued so far (d) covered car parking and interiors to the flat.

5. It is submitted by the complainant that he has received a mail on 10.6.2017 from the respondent stating that the flats are ready for inspection and fixed the registration dates in the month of July and August.

6. It is further submitted by the complainant that the respondent has not obtained OC with an intention to escape from the payment of delayed interest in handing over the possession of the apartment to complainant.

7. Hence this complaint.

8. After registration of the complaint, notices were sent to the complainant and the respondent to appear before this Authority for written submissions if any on their part. Despite several opportunities given to the complainant on 13/06/2022, 20/06/22, 27/06/22 and 29/07/22 and 29/08/2022 the complainant remained absent on all these hearing dates. Besides, the respondent also remained absent on preceding dates but however during the hearing on 29/07/2022 he appeared before this Authority through his counsel and filed written submissions. The written submissions made by the respondent are as hereunder:

9. It is submitted by the respondent that the complainant has booked an apartment bearing No. NJ 406, in the project "Shriram Smrithi" and a letter of allotment was given to the complainant on June, 2015. It is stated that the respondent has acknowledged the payment of Rs.17,70,000/- from the complainant in installment as consideration for the apartment.

10. It is further submitted that both the complainant and respondent have reached into out of court settlement and resolved the issue amicably wherein the respondent has refunded the entire amount of Rs.17,70,000/- paid by the complainant on 6th August 2018 through bank draft.

11. In support of his claim, the respondent has submitted copy of bank draft dated 06.08.2018.

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

1. Whether the complainant is entitled for relief sought for
2. What order?

13. My findings to the above points are as under:

1. In the negative
2. As per final order

As8

14. My findings on the above points no 1 is as under:

The grievance of the complainant is that the respondent has not completed the project within the time lines as agreed and he made payment update. After filing the complaint, in spite of several opportunities given to the complainant to appear before this Authority for hearing to proceed further with the matter the complainant did not turn up whereas the respondent has appeared before this Authority during hearing on 29/08/2022 and has submitted that the matter is already settled between the parties out of court and that he has refunded the entire amount to the complainant on August 06,2018. In support of his claim, the respondent has also produced a copy of the bank draft dated 06.08.2018 which goes to show that the respondent has refunded the amount of Rs.17,70,000/-(Seventeen lakhs seventy thousand only) to the complainant.

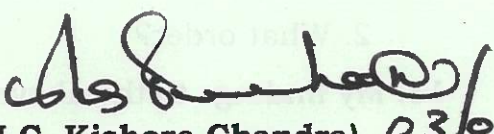
15. It is noted that, in lieu of settlements, the complainant did not take any interest before this Authority to proceed further in the matter. In the absence of any submission by the complainant, this Authority has left no option except to accept the claim of the respondent that the matter has been settled between the parties and the respondent has already refunded the entire amount of Rs.17,70,000/- to the complainant.

16. **My findings to point no.2:** In view of the above averments, the complaint deserves to be dismissed. Hence, 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/UR/170827/0000039** is hereby dismissed.

No order as to costs


(H.C. Kishore Chandra) 03/09/22
Chairman
K-RERA