

**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 5<sup>th</sup> SEPTEMBER 2022**

**PRESIDED BY HON'BLE MEMBER SMT.NEELMANI N RAJU**

**COMPLAINT NO.: CMP/200906/0006481**

**COMPLAINANT.....**

**Mrs.N.R. Indrani**

No.12, Flat No.303,  
M Icon Apartment, 3<sup>rd</sup> Main Road,  
Srinivasa Layout, K.B. Sandra,  
Bengaluru-560032.

(By Sri.M.Mohan Kumar, Advocate  
M/s Lawman and Associates)

**V/S**

**RESPONDENT.....**

**Mantri Technology Constellations  
Pvt. Ltd. Currently known as  
Buoyant Technology Constellations  
Pvt. Ltd.**

Mantri House,  
No.41, Vittal Mallya Road,  
Bengaluru-560001.

(By Sri.S. Sushant Venkatesh Pai,  
Advocate M/s Iyengar & Pai Advocates)

\* \* \* \* \*

**J U D G E M E N T**

1. 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:-**

2. The complainant has booked an apartment in the project of respondent by entering into an agreement of sale and construction dated 01/02/2016 and has paid an amount of Rs.78,40,762/- (Rupees Seventy Eight Lakh Forty

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Thousand Seven Hundred and Sixty Two only) (till the date of possession). As per agreement the respondent was under obligation to handover possession before end of 31/12/2018. Though more than three years have been lapsed, the respondent has failed to complete the project as agreed and the project is currently standstill. The respondent has simply kept postponing the date of possession and has defaulted on terms and conditions, due to which as a buyer, the complainant has suffered monetary losses. The complainant also submits that she has been treated badly by the respondent causing immense mental pain and agony. Hence, the respondent is liable to pay interest on delay period.

3. After registration of the complaint, in pursuance of the notice, the respondent has appeared before the Authority through its counsel but has not contested the matter by filing objections and producing documents on its behalf.
4. In support of their claim, the complainant has produced in all 5 documents such as copies of Agreement for Sale, Construction agreement, Cost Sheet, Payment receipts and Memo of calculation for interest on delay period as on 16/7/2022.
5. Heard arguments of both sides.
6. **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?
7. **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

8. **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. When the respondent has failed to handover possession as agreed by them, the complainant approached this forum for interest on delay.
9. From the averments of the complaint and the copies of agreement between the parties, it is obvious that complainant has already paid an amount of Rs.78,40,762/- to the respondent. Having accepted the said amount and failure to keep up promise to handover possession of apartment even after 3 years, certainly entitles the complainant herein for delay period interest. The complainant has claimed Rs.27,11,832/- (Rupees Twenty Seven Lakh Eleven Thousand Eight Hundred and Thirty Two only) as delay period interest in his memo of calculation as on 16/7/2022. The respondent has not filed their memo of calculation despite several opportunities given to them. Having regard to all these aspects, this Authority concludes that the complainant is entitled for delay period interest.
10. Further, the complainant has sought compensation for mental agony which does not come under the jurisdiction of this Authority and hence, same cannot be considered.
11. Therefore, it is incumbent upon the respondent to pay interest for the principle amount for the delay period which is determined as under:

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Payment Details		
TYPE	AMOUNT	DATE
TOTAL PAYMENT TILL POSSESSION	78,40,762	31-12-2018

Interest Calculation						
S.NO	FROM DATE	TO DATE	NO. OF DAYS	MCLR RATE	INTEREST RATE	INTEREST
INTEREST CALCULATION FOR AMOUNT PAID TILL POSSESSION 7,840,762/-						
1	31-12-2018	31-01-2019	31	8.75	10.75 as on 10-12-2018	71,587
2	31-01-2019	28-02-2019	28	8.75	10.75 as on 10-01-2019	64,659
3	28-02-2019	28-03-2019	28	8.75	10.75 as on 10-02-2019	64,659
4	28-03-2019	28-04-2019	31	8.75	10.75 as on 10-03-2019	71,587
5	28-04-2019	28-05-2019	30	8.7	10.7 as on 10-04-2019	68,955
6	28-05-2019	28-06-2019	31	8.65	10.65 as on 10-05-2019	70,921
7	28-06-2019	28-07-2019	30	8.65	10.65 as on 10-06-2019	68,633
8	28-07-2019	28-08-2019	31	8.6	10.6 as on 10-07-2019	70,588
9	28-08-2019	28-09-2019	31	8.45	10.45 as on 10-08-2019	69,589
10	28-09-2019	28-10-2019	30	8.35	10.35 as on 10-09-2019	66,700
11	28-10-2019	28-11-2019	31	8.25	10.25 as on 10-10-2019	68,257
12	28-11-2019	28-12-2019	30	8.2	10.2 as on 10-11-2019	65,733
13	28-12-2019	28-01-2020	31	8.2	10.2 as on 10-12-2019	67,924
14	28-01-2020	28-02-2020	31	8.2	10.2 as on 10-01-2020	67,924
15	28-02-2020	28-03-2020	29	8.15	10.15 as on 10-02-2020	63,230
16	28-03-2020	28-04-2020	31	8.05	10.05 as on 10-03-2020	66,925
17	28-04-2020	28-05-2020	30	7.7	9.7 as on 10-04-2020	62,511

*Handwritten signature*

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18	28-05-2020	28-06-2020	31	7.55	9.55 as on 10-05-2020	63,596
19	28-06-2020	28-07-2020	30	7.3	9.3 as on 10-06-2020	59,933
20	28-07-2020	28-08-2020	31	7.3	9.3 as on 10-07-2020	61,931
21	28-08-2020	28-09-2020	31	7.3	9.3 as on 10-08-2020	61,931
22	28-09-2020	28-10-2020	30	7.3	9.3 as on 10-09-2020	59,933
23	28-10-2020	28-11-2020	31	7.3	9.3 as on 10-10-2020	61,931
24	28-11-2020	28-12-2020	30	7.3	9.3 as on 10-11-2020	59,933
25	28-12-2020	28-01-2021	31	7.3	9.3 as on 10-12-2020	61,931
26	28-01-2021	28-02-2021	31	7.3	9.3 as on 10-01-2021	61,931
27	28-02-2021	28-03-2021	28	7.3	9.3 as on 10-02-2021	55,937
28	28-03-2021	28-04-2021	31	7.3	9.3 as on 10-03-2021	61,931
29	28-04-2021	28-05-2021	30	7.3	9.3 as on 10-04-2021	59,933
30	28-05-2021	28-06-2021	31	7.3	9.3 as on 15-05-2021	61,931
31	28-06-2021	28-07-2021	30	7.3	9.3 as on 15-06-2021	59,933
32	28-07-2021	28-08-2021	31	7.3	9.3 as on 15-07-2021	61,931
33	28-08-2021	28-09-2021	31	7.3	9.3 as on 15-08-2021	61,931
34	28-09-2021	28-10-2021	30	7.3	9.3 as on 15-09-2021	59,933
35	28-10-2021	28-11-2021	31	7.3	9.3 as on 15-10-2021	61,931
36	28-11-2021	28-12-2021	30	7.3	9.3 as on 15-11-2021	59,933
37	28-12-2021	28-01-2022	31	7.3	9.3 as on 15-12-2021	61,931
38	28-01-2022	28-02-2022	31	7.3	9.3 as on 15-01-2022	61,931
39	28-02-2022	28-03-2022	28	7.3	9.3 as on 15-02-2022	55,937

*Handwritten signature*



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40	28-03-2022	28-04-2022	31	7.3	9.3 as on 15-03-2022	61,931
41	28-04-2022	28-05-2022	30	7.4	9.4 as on 15-04-2022	60,577
42	28-05-2022	28-06-2022	31	7.5	9.5 as on 15-05-2022	63,263
43	28-06-2022	16-07-2022	18	7.7	9.7 as on 15-06-2022	37,506
					TOTAL DELAYED INTEREST as on 16/07/2022	27,11,832

12. Accordingly point raised above is answered in the Affirmative.

13. **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/220906/0006481** is hereby allowed. Respondent is directed to pay the amount of **Rs.27,11,832/- (Rupees Twenty Seven Lakh Eleven Thousand Eight Hundred and Thirty Two 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, KRERA