

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 12th September 2022

COMPLAINT No: CMP/UR/211029/0008504

COMPLAINANTS.....

1. VIJAYKRISHNA M G,
2. SHRUTHI K
CB-04-05, B1, Block, 4th Floor,
KSR Cordelia, Dasarahalli,
Near Rachenahalli Lake,
Bengaluru - 560024.

(In person)

V/S

RESPONDENT.....

1. K RAMANA REDDY,
Flat No.401, 272/3 RT,
Padmaja Apartments,
Besides Axis Bank, SR Nagar,
Hyderabad – 500038.
2. GANJI VENKATA HARIKISHAN
REDDY,
Flat No.401, 272/3 RT,
Padmaja Apartments,
Besides Axis Bank, SR Nagar,
Hyderabad – 500038.
3. JAYASHREE SUNDERARAJ,
5th Main, 4th Cross,
Coffee Board Layout,
Bengaluru – 560024.

(Exparte)

J U D G E M E N T

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ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

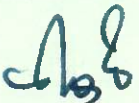
Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

1. This complaint is filed under section 31 of the RERA Act against the project "KSR Cordelia" developed by KSR Properties Pvt. Ltd., for the relief of direction to the builder to execute the sale deed in thier favour.

Brief facts of the complaints are as under:-

2. The complainants have entered into an AOS and Construction agreement dated 31/08/2016 with the respondent in the project KSR Cordelia in respect of Flat bearing No. CB-11-09 situated at #67/1, 67/2, Dasrahalli, off Hebbal Ring Road, K R Puram Hobli, Bengaluru - 560024 for a total sale consideration of Rs.20,25,000/-. On the same day they have paid advance amount of Rs.13,50,000/- to the respondent. The respondent was supposed to handover the possession of the apartment to the complainants on or before 31/08/2017. As per the agreement of sale, the complainants have made full payment and final payment was done on 13/03/2020. Even though the respondent has given actual possession of flat in their possession, so far, it has not come forward to execute the sale deed in their favour. Hence, this complaint.
3. After registering the complaint, in pursuance of the notice, the respondents have not appeared before the Authority and not contested the matter.
4. In support of their the claim, the complainants have submitted the written submissions and produced in all 6 documents such as:-
 - (i) Payment receipts
 - (ii) Agreement to sell and Construction agreement dated 16/10/2018
 - (iii) Occupancy certificated dated 24/11/2018
 - (iv) Gmail conversations
5. Heard arguments.
6. On the above averments, the following points would arise for our consideration.







1. Whether the complainants are entitled for the relief claimed?
2. What order?

7. Our answer to the above points are as under:-

1. In the Affirmative
2. As per final order for the following

REASONS

8. **Our answer on point No.1:-** Grievance of the complainants is that they have made entire payment as per Agreement of sale in respect of their flat. Though the builder has handed over the possession of their flat, till now he has not executed the registered sale deed of their favour.
9. From the materials available on record, it is apparent that the complainants have paid full sale consideration of their flat to the respondents as agreed. Respondents have completed the project and has obtained occupancy certificate on 24/11/2018. They have given possession of the flat to the complainants. But, till date respondents have not executed the sale deed of said flat in favour of the complainants. In this regard, the complainants have made correspondence with the respondents by way of e-mail requesting them to execute the sale deed.
10. Though the notice is served on the respondents, they have not chosen to contest the matter by appearing before the Authority, filing objections, furnishing documents etc. In addition having chosen to keep silence about the claim of complainants, the respondents have virtually accepted the claim in question. Having accepted the entire sale consideration and failure to execute the registered sale deed, certainly entitles the complainants to get their flat registered.
11. In the absence of any objections from the respondent side and considering the materials available on record, no option left to this Authority except to

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

accept the claim of complainants. Under such circumstances, no much scope is remained for further discussion. Accordingly, the point raised above is answered in the Affirmative.

12. **Our answer to point No.2:-** In view of the above discussion, the complaint deserves to be allowed. Hence, we proceed to pass the following

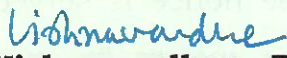
ORDER


In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. CMP/UR/211029/0008504 is hereby allowed.

The respondents are directed to execute the sale deed of flat bearing No. CB-11-09 in project of KSR Cordelia situated at #67/1, 67/2, Dasrahalli, off Hebbal Ring Road, K R Puram Hobli, Bengaluru - 560024 in favour of complainants within 30 days from the date of this order, failing which the complainants are at liberty to initiate action in accordance with law.

No order as to costs.


(Neelamani N Raju)
Member-2
K-RERA


(D. Vishnuvardhana Reddy)
Member-1
K-RERA


(H.C. Kishore Chandra)
Chairman
K-RERA