

**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 7<sup>th</sup> OCTOBER 2022**

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

**COMPLAINT NO.:CMP/UR/201009/0006799**

**COMPLAINANTS.....**

**MR.SUDESH SHRIKANT CHINCHEWADI  
& MRS.KUMUD SUDESH CHINCHEWADI  
NO.7, VIJAYASHRI, 3<sup>RD</sup> CROSS  
1<sup>ST</sup> MAIN, BASAVA SAMITHI LAYOUT  
TINDLU, VIDYARANYAPURA  
BENGALURU-560097.**

**V/S**

**RESPONDENT.....**

**Ozone Urbana Infra Developers Pvt Ltd  
No.38, Ulsoor Road,  
Bengaluru-560042.**

**(By Mr.Deepak Bhaskar & Associates,  
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 "OZONE URBANA PAVILION" for the relief of interest on delay in handing over the apartment.

**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 28/06/2014 and has paid an amount of Rs.58,27,148/- (Rupees Fifty Eight Lakh Twenty

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Seven Thousand One Hundred and Forty Eight only) (including Bank Loan).  
As per agreement the respondent was under obligation to handover possession before end of October 2016 with a grace period of six months. Though more than four years have been lapsed, the respondent has failed to handover the possession of flat on time and complete registration process. 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 have not contested the matter by filing statement of objections, producing documents on its behalf. The respondent has filed a calculation sheet as on 31/08/2022.
4. In support of his claim, the complainant has produced in all 7 documents such as copies of Agreement for Sale, Construction agreement, Payment receipts, Allotment letter from Ozone, Tripartite Agreement, HDFC Loan Agreement and Memo of calculation for interest on delay period as on 03/06/2022.
5. Heard arguments of both sides.
6. On the above averments, the following points would arise for my consideration:-
  - a. Whether the complainant is entitled for the relief claimed?
  - b. 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 and construction between the parties, the possession of the apartment had to be handed over before the end of October 2016 with a grace period of 6 months. 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 copies of the agreement between the parties, it is obvious that complainant has already paid an amount of Rs.58,27,148/- 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.32,06,722/- (Rupees Thirty Two Lakh Six Thousand Seven Hundred and Twenty Two only) as delay period interest in his memo of calculation as on 03/06/2022. The respondent has filed a calculation sheet as on 31/08/2022 for refund with interest. As such it is not accepted by the Authority. During the process of the hearing both the parties agreed with the principal amount paid and received respectively. A thorough verification of the documentary proof furnished by the complainant reveals that his claim is genuine. Having regard to all these aspects, this Authority concludes that the complainant is entitled for delay period interest of Rs.32,06,722/- from 31/10/2016 to 03/06/2022 and later on.
10. 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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11.

Payment Details			
S.NO	TYPE	AMOUNT	DATE
1	TOTAL PAYMENT TILL POSSESSION	5827148	31-10-2016

Interest Calculation						
S.NO	FROM DATE	TO DATE	NO. OF DAYS	MCLR RATE	INTEREST RATE	INTEREST
INTEREST CALCULATION FOR AMOUNT PAID TILL POSSESSION 5,827,148						
1	31-10-2016	30-11-2016	30		9	43,104
2	30-11-2016	30-12-2016	30		9	43,104
3	30-12-2016	30-01-2017	31		9	44,541
4	30-01-2017	28-02-2017	29		9	41,668
5	28-02-2017	28-03-2017	28		9	40,231
6	28-03-2017	28-04-2017	31		9	44,541
7	28-04-2017	28-05-2017	30		9	43,104
8	28-05-2017	28-06-2017	31	8.15	10.15 as on 01-05-2017	50,233
9	28-06-2017	28-07-2017	30	8.15	10.15 as on 01-06-2017	48,612
10	28-07-2017	28-08-2017	31	8.15	10.15 as on 01-07-2017	50,233
11	28-08-2017	28-09-2017	31	8.15	10.15 as on 01-08-2017	50,233
12	28-09-2017	28-10-2017	30	8.15	10.15 as on 01-09-2017	48,612
13	28-10-2017	28-11-2017	31	8.15	10.15 as on 01-10-2017	50,233
14	28-11-2017	28-12-2017	30	8.1	10.1 as on 01-11-2017	48,373

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15	28-12-2017	28-01-2018	31	8.1	10.1 as on 01-12-2017	49,985
16	28-01-2018	28-02-2018	31	8.1	10.1 as on 01-01-2018	49,985
17	28-02-2018	28-03-2018	28	8.1	10.1 as on 01-02-2018	45,148
18	28-03-2018	28-04-2018	31	8.35	10.35 as on 01-03-2018	51,223
19	28-04-2018	28-05-2018	30	8.35	10.35 as on 01-04-2018	49,570
20	28-05-2018	28-06-2018	31	8.35	10.35 as on 01-05-2018	51,223
21	28-06-2018	28-07-2018	30	8.45	10.45 as on 01-06-2018	50,049
22	28-07-2018	28-08-2018	31	8.45	10.45 as on 01-07-2018	51,717
23	28-08-2018	28-09-2018	31	8.45	10.45 as on 01-08-2018	51,717
24	28-09-2018	28-10-2018	30	8.65	10.65 as on 01-09-2018	51,007
25	28-10-2018	28-11-2018	31	8.7	10.7 as on 01-10-2018	52,955
26	28-11-2018	28-12-2018	30	8.7	10.7 as on 01-11-2018	51,246
27	28-12-2018	28-01-2019	31	8.75	10.75 as on 10-12-2018	53,202
28	28-01-2019	28-02-2019	31	8.75	10.75 as on 10-01-2019	53,202
29	28-02-2019	28-03-2019	28	8.75	10.75 as on 10-02-2019	48,054

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30	28-03-2019	28-04-2019	31	8.75	10.75 as on 10-03-2019	53,202
31	28-04-2019	28-05-2019	30	8.7	10.7 as on 10-04-2019	51,246
32	28-05-2019	28-06-2019	31	8.65	10.65 as on 10-05-2019	52,707
33	28-06-2019	28-07-2019	30	8.65	10.65 as on 10-06-2019	51,007
34	28-07-2019	28-08-2019	31	8.6	10.6 as on 10-07-2019	52,460
35	28-08-2019	28-09-2019	31	8.45	10.45 as on 10-08-2019	51,717
36	28-09-2019	28-10-2019	30	8.35	10.35 as on 10-09-2019	49,570
37	28-10-2019	28-11-2019	31	8.25	10.25 as on 10-10-2019	50,728
38	28-11-2019	28-12-2019	30	8.2	10.2 as on 10-11-2019	48,852
39	28-12-2019	28-01-2020	31	8.2	10.2 as on 10-12-2019	50,480
40	28-01-2020	28-02-2020	31	8.2	10.2 as on 10-01-2020	50,480
41	28-02-2020	28-03-2020	29	8.15	10.15 as on 10-02-2020	46,992
42	28-03-2020	28-04-2020	31	8.05	10.05 as on 10-03-2020	49,738
43	28-04-2020	28-05-2020	30	7.7	9.7 as on 10-04-2020	46,457
44	28-05-2020	28-06-2020	31	7.55	9.55 as on 10-05-2020	47,263

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45	28-06-2020	28-07-2020	30	7.3	9.3 as on 10-06-2020	44,541
46	28-07-2020	28-08-2020	31	7.3	9.3 as on 10-07-2020	46,026
47	28-08-2020	28-09-2020	31	7.3	9.3 as on 10-08-2020	46,026
48	28-09-2020	28-10-2020	30	7.3	9.3 as on 10-09-2020	44,541
49	28-10-2020	28-11-2020	31	7.3	9.3 as on 10-10-2020	46,026
50	28-11-2020	28-12-2020	30	7.3	9.3 as on 10-11-2020	44,541
51	28-12-2020	28-01-2021	31	7.3	9.3 as on 10-12-2020	46,026
52	28-01-2021	28-02-2021	31	7.3	9.3 as on 10-01-2021	46,026
53	28-02-2021	28-03-2021	28	7.3	9.3 as on 10-02-2021	41,572
54	28-03-2021	28-04-2021	31	7.3	9.3 as on 10-03-2021	46,026
55	28-04-2021	28-05-2021	30	7.3	9.3 as on 10-04-2021	44,541
56	28-05-2021	28-06-2021	31	7.3	9.3 as on 15-05-2021	46,026
57	28-06-2021	28-07-2021	30	7.3	9.3 as on 15-06-2021	44,541
58	28-07-2021	28-08-2021	31	7.3	9.3 as on 15-07-2021	46,026
59	28-08-2021	28-09-2021	31	7.3	9.3 as on 15-08-2021	46,026

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60	28-09-2021	28-10-2021	30	7.3	9.3 as on 15-09-2021	44,541
61	28-10-2021	28-11-2021	31	7.3	9.3 as on 15-10-2021	46,026
62	28-11-2021	28-12-2021	30	7.3	9.3 as on 15-11-2021	44,541
63	28-12-2021	28-01-2022	31	7.3	9.3 as on 15-12-2021	46,026
64	28-01-2022	28-02-2022	31	7.3	9.3 as on 15-01-2022	46,026
65	28-02-2022	28-03-2022	28	7.3	9.3 as on 15-02-2022	41,572
66	28-03-2022	28-04-2022	31	7.3	9.3 as on 15-03-2022	46,026
67	28-04-2022	28-05-2022	30	7.3	9.3 as on 15-03-2022	44,541
68	28-05-2022	03-06-2022	6	7.3	9.3 as on 15-03-2022	8,908
					<b>TOTAL DELAYED INTEREST as on 03/06/2022</b>	<b>32,06,722</b>

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

12. **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

*MHS*



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complaint bearing **No.CMP/UR/201009/0006799** is hereby allowed. Respondent is directed to pay the amount of **Rs.32,06,722/- (Rupees Thirty Two Lakh Six Thousand Seven Hundred and Twenty Two only)** calculated at 9% from 31/10/2016 to 30/4/2017 and MCLR + 2% from 28/05/2017 to 03/06/2022 to the complainant within 60 days from the date of this order. The interest due from 04/06/2022 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**

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