

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

DATED 4th November 2022

COMPLAINANT NOs. CMP/210802/0008198 & 0008462

COMPLAINANTS.....

Ranjith P.K.P.

Flat No: E3 Type 3
Tower 15, East Kidwai
Nagar, GPRA Complex
New Delhi-110023.

V/s

RESPONDENTS.....

**M/s Sanchaya Land and
Estate Private Limited**

No: 482, 2nd Floor, 80 feet
Road, HMT Layout
R.T. Nagar
Bengaluru-560 032.

(exparte)

JUDGEMENT

1. This complaint is filed under section-31 of the Real Estate (Regulation and Development) Act, 2016 before this Authority against the project “**Skyview**” developed by “**M/s Sanchaya Land and Estate Private Limited**” in the limits of Sy.Nos.412,416/1, 416/2, Devanahalli Village, Kasaba Hobli, Devanahalli, Bengaluru Rural for relief of refund with interest.

2. This project has been registered under RERA bearing registration no. PRM/KA/RERA/1250/303/PR/170905/000071.

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3. **The brief facts of the case are as under:** The complainant has entered into an agreement of sale and construction both dated 12th January 2015 towards the purchase of the flat no. 301 in 3rd floor, Jupiter Block, "A" Tower in the project "Sky View" of the respondent. The complainant has paid an amount of Rs.20,24,873/- to the respondent till date. As per the agreement, the project completion date is 31/12/2016 with a grace period of 6 months i.e. by 30/06/2017. Since there was more than 5 years delay in handing over the apartment from the agreed completion date of the project, the complainant has filed the above complaint before the Authority praying for refund of the amount paid together with interest.

4. After registration of the complaint, in pursuance of notice served, the respondent has not appeared before the Authority either by itself or through its counsel and has not contested the matter by filing objections and producing documents on its behalf.

5. This matter was heard on 30/11/2021, 03/02/2022, 09/03/2022, 09/03/2022, 08/06/2022.

6. The complainant has filed complaint no. CMP/210802/0008198 seeking relief of an early possession of his allotted flat on 02/08/2021. Later, the said complainant has filed one more complaint in CMP No: 211022/0008462 on 22/10/2021 seeking relief of refund of entire amount with interest. Perused both the complaints. Subsequent complaint no. CMP/211022/0008462 filed by the complainant is for

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the relief of refund of entire amount with interest. Therefore, the earlier complaint in CMP No. CMP/210802/0008198 seeking possession of the flat does not survive. Hence CMP/210802/0008198 is hereby closed in view of the complaint in CMP No: 211022/008462 as it does not survive for consideration. Therefore, we proceed to consider complaint no. CMP No: 211022/0008462 for adjudication.

7. As per Section 18 of RERA Act, in case the allottee wishes to withdraw from the project, the promoter is liable without prejudice to any other remedy available, to return the amount received by him in respect of that apartment, plot, building as the case may be with interest at such rate as may be prescribed in this behalf including compensation in the manner as provided under this Act.

8. Therefore, as per Section 18 of the Act, the promoter is liable to refund the amount received along with interest.

9. From the averments made in the complaint, it is obvious that complainant has paid advance sale consideration amount and is entitled to get the refund of the amount paid along with interest as per the memo of calculation submitted by the complainant. The promoter/respondent has not submitted any memo of calculation.

10. Considering the facts and circumstances of the present case, it is just and necessary to direct the respondent to refund the entire amount paid by the complainant with interest. Accordingly, the Authority orders the following:







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ORDER

In exercise of the powers conferred under section 18 of the Real Estate(Regulation and Development) Act, 2016, the complaint bearing no. CMP/211022/0008462 is hereby disposed of as under:

1. Respondent is directed to refund the entire principal amount of Rs.20,24,873/- (**Twenty lakhs twenty four thousand eight hundred seventy three only**) along with interest calculated at the rate of 9% per annum from 11.10.2014 till 30.04.2017. Further at the rate of SBI MCLR + 2 per annum from 01/05/2017 till the date of realization.
2. The respondent shall refund the amount within 60 days from the date of this order, failing which the complainant is at liberty to enforce this order in accordance with law.
3. In view of the complainant No. 0008462 dated 22.10.2021, the complaint bearing no. 0008198 dated 02/08/2021 does not survive for consideration.

No order as to costs.

(D. Vishnuvardhana Reddy)

Member-1

K-RERA

(Neelmani N Raju)

Member-2

K-RERA

(H.C. Kishore Chandra)

Chairman

K-RERA