

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 2ND NOVEMBER 2022

PRESIDED BY HON'BLE MEMBER SMT.NEELMANI N RAJU

COMPLAINT NO.: CMP/UR/190817/0003810

COMPLAINANTS.....

**MR. RITURAJ DIXIT &
MRS. RUCHI MISHRA
504, 47TH CROSS, 9TH MAIN
JAYANAGAR, 5TH BLOCK
BANGALORE-560041.
(In Person)**

Vs

RESPONDENT.....

**GM INFINITE DWELLING INDIA PVT LTD
REPRESENTED BY MD MR. GULAM
MUSTAFA
GM PEARL, 6, BTM LAYOUT 1ST STAGE
RING ROAD
BANGALORE-560068.
(EX-PARTE)**

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J U D G E M E N T

1. This complaint is filed under section 31 of the RERA Act against the project "GM INFINITE E-CITY TOWN PHASE-2" developed by **GM INFINITE DWELLING INDIA PRIVATE LIMITED** on Sy. no 20/1, 21/2, 22/1, 30/16, 30/17, 21/3, 30/15, 30/18, 30/39, 30/41, 22/2, 20/2, 25/3, 18/1A, 24/2, 24/4, 17/2, 18/3, 20/3, 16/1, 16/3, 16/4, 16/5, 16/6, 18/2, 21/3, 15/4, 15/7, 15/9, 24/3, **GM INFINITE E-CITY TOWN PHASE -2, THIRUPALYA, ELECTRONIC CITY PHASE -1, BENGALURU 560100** for the relief of interest on delay period.
2. This project has not been registered under RERA.

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3. Brief facts of the complaint are as under:-

The complainants on going through the advertisements in leading newspapers have purchased an apartment in the project of respondent and entered into a registered Memorandum of Understanding on 21/7/2014 and has paid an amount of Rs.56,25,000/- (Rupees Fifty Six Lakh Twenty Five Thousand only) being the full sale consideration amount along with Rs.36,000/- as one year maintenance charges in advance and Rs.80,000/- as legal fees to the respondent till date. The respondent was supposed to hand over the possession of the flat to the complainants by January 2017 with a grace period of six months i.e. latest by July 2017. By 15/5/2019, the complainants have paid the full sale consideration amount to the respondent. The respondent had executed and registered sale deed on 15/6/2019 in favour of the complainants. But, till today the respondent has not completed the pending works like final coat painting, lift, individual electric meters, allotment of parking etc. The respondent has failed to complete the work in the project. The complainants requested for delay compensation as ordered by the Hon'ble RERA Authority in the complaints filed earlier to compensate for the delay in delivery, to which the respondent has not responded. The respondent has also not obtained Occupancy Certificate in respect of this project. Hence, the respondent is liable to pay interest on delay period from 7/7/2017 till satisfactory delivery of the apartment. Hence, this complaint.

4. After registration of the complaint, in pursuance of the notice, the respondent has not appeared before the Authority either through its representative or counsel. The summons was also sent to the respondent at its address, which was received at the respondent's office on 13/10/2022, despite which the respondent did not appear before the

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Authority for hearing. Neither it has filed statement of objections nor produced any documents on its behalf. Hence, the respondent has been placed **ex-parte**.

5. In support of their claim, the complainants have produced documents such as copies of Agreement of Sale, Payment receipts and memo of calculation as on 17/7/2022 (calculated from 7/7/2017 till 17/7/2022).

6. Heard arguments of complainants side.

7. On the above averments, the following points would arise for my consideration:-

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

8. My findings on the above points are as under:-

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

REASONS

9. **My answer to Point No.1:-** From the materials placed on record, it is apparent that inspite of entering into an agreement for sale to handover the apartment within January 2017 with a grace period of six months i.e. latest by July 2017, the respondent failed to abide by the terms of the agreement and not handed over the possession of the apartment to the complainants till 15/6/2019, the date on which the sale deed was registered. Further, the respondent has also failed to complete the pending works like final coat of painting, lift, allotment of parking, providing individual electric meters, occupancy certificate etc. The complainants vide their memo of calculation as on 17/7/2022 have

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claimed an amount of Rs.28,11,916/- as delay period interest calculated from 7/7/2017 to 17/7/2022.

10. Though the notice and summons have been served on the respondent, it has not taken any interest to participate in the proceedings by appearing before the Authority for hearing, filing objections, if any, and furnishing documents on its behalf. Even otherwise, inspite of providing sufficient opportunities, the respondent has not submitted memo of calculation on its behalf. Under such circumstances, there is no other go except to accept the claim of the complainants which is supported with all relevant documents. The complainants have executed and registered the sale deed on 15/6/2019. Having regard to all these aspects, this Authority concludes that the complainants are entitled for an amount of Rs.11,38,068/- as delay period interest calculated from 7/7/2017 to 15/6/2019.

11. Therefore, it is incumbent upon the respondent to pay interest on delay determined as under

Payment Details			
S.NO	TYPE	AMOUNT	DATE
1	TOTAL PAYMENT TILL POSSESSION	56,25,000	07/07/2017

Interest Calculation						
S.NO	FROM DATE	TO DATE	NO. OF DAYS	MCLR RATE	INTEREST RATE	INTEREST
INTEREST CALCULATION FOR AMOUNT PAID TILL POSSESSION 5,625,000						
1	07/07/2017	07/08/2017	31	8.15	10.15 as on 01-07-2017	48,490

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2	07/08/2017	07/09/2017	31	8.15	10.15 as on 01-08-2017	48,490
3	07/09/2017	07/10/2017	30	8.15	10.15 as on 01-09-2017	46,926
4	07/10/2017	07/11/2017	31	8.15	10.15 as on 01-10-2017	48,490
5	07/11/2017	07/12/2017	30	8.1	10.1 as on 01-11-2017	46,695
6	07/12/2017	07/01/2018	31	8.1	10.1 as on 01-12-2017	48,251
7	07/01/2018	07/02/2018	31	8.1	10.1 as on 01-01-2018	48,251
8	07/02/2018	07/03/2018	28	8.1	10.1 as on 01-02-2018	43,582
9	07/03/2018	07/04/2018	31	8.35	10.35 as on 01-03-2018	49,446
10	07/04/2018	07/05/2018	30	8.35	10.35 as on 01-04-2018	47,851
11	07/05/2018	07/06/2018	31	8.35	10.35 as on 01-05-2018	49,446
12	07/06/2018	07/07/2018	30	8.45	10.45 as on 01-06-2018	48,313
13	07/07/2018	07/08/2018	31	8.45	10.45 as on 01-07-2018	49,923
14	07/08/2018	07/09/2018	31	8.45	10.45 as on 01-08-2018	49,923
15	07/09/2018	07/10/2018	30	8.65	10.65 as on 01-09-2018	49,238
16	07/10/2018	07/11/2018	31	8.7	10.7 as on 01-10-2018	51,118

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17	07/11/2018	07/12/2018	30	8.7	10.7 as on 01-11-2018	49,469
18	07/12/2018	07/01/2019	31	8.7	10.7 as on 01-11-2018	51,118
19	07/01/2019	07/02/2019	31	8.75	10.75 as on 10-12-2018	51,357
20	07/02/2019	07/03/2019	28	8.75	10.75 as on 10-01-2019	46,386
21	07/03/2019	07/04/2019	31	8.75	10.75 as on 10-02-2019	51,357
22	07/04/2019	07/05/2019	30	8.75	10.75 as on 10-03-2019	49,700
23	07/05/2019	07/06/2019	31	8.7	10.7 as on 10-04-2019	51,118
24	07/06/2019	15/06/2019	08	8.65	10.65 as on 10-05-2019	13,130
					TOTAL DELAYED INTEREST as on 15/06/2019	11,38,068

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

13. **My answer to Point No.2:-** In view of the above discussion, the complaint deserves to be allowed. Hence, 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

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bearing No.**CMP/UR/190817/0003810** is hereby allowed.
Respondent is directed

1. To pay a sum of **Rs.11,38,068/- (Rupees Eleven Lakh Thirty Eight Thousand and Sixty Eight only)** towards delay period interest to the complainants within 60 days from the date of this order, calculated at MCLR + 2% from 7/7/2017 till 15/6/2019. The complainants are 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.

2. To obtain and provide a copy of the Occupancy Certificate to the complainants.

3. To complete the pending works immediately.


(Neelmani N. Raju)
Member-2, K-RERA

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