

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 - 4**

**CORUM**

**SHRI. H.C. KISHORE CHANDRA, HON'BLE CHAIRMAN**

**COMPLAINT NO.: CMP/210706/0008103**

**DATED THIS 16<sup>TH</sup> DAY OF NOVEMBER, 2022**

**COMPLAINANT.....**

**FRANCIS PRADEEP FERNANDES,**

750/6, Sarjapura Road,  
Near KEB Office, Attibele,  
Bengaluru - 562107.

(In person)

**V/S**

**RESPONDENT.....**

**SANCHAYA LAND AND ESTATE PVT. LTD.,**

No. 479, HMT Layout,  
RT Nagar, Near R T Nagar Bus Depot,  
Bengaluru - 560032.

(Ex-parte)

**PROJECT NAME &  
REGISTRATION NO.**

**THE GREENS PHASE II  
PRM/KA/RERA/1251/308/  
PR/171014/000599**

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

1. This complaint is filed under section 31 of the RERA Act against the project "The Greens Phase - II" developed by "Sanchaya Land and Estate Pvt. Ltd.," for the relief of refund the amount paid with interest.

*Handwritten signature*

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## Karnataka Real Estate Regulatory Authority,

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### **Brief facts of the complaint are as under:-**

2. The complainant had booked a flat in the project of respondent wherein he had paid booking advance amount of Rs.2,00,000/- (Rupees Two Lakhs only) to the respondent on 09/09/2018. Later, the complainant has cancelled the booking of the apartment and which is also accepted by the CRM on 26/12/2019 and promised to refund the amount within 150 days from the cancellation acceptance. The respondent has failed to refund the booking amount and now it is not responding to the calls and emails. Hence, this complaint.
3. After registration of the complaint, in pursuance of the notice, the respondent has never appeared before this Authority and not contested the matter by filing objections and producing documents.
4. In support of his claim, the complainant has produced in all 3 documents such as copies of cheque bearing No. 441574 paid against booking, bank statement, email conversation regarding cancellation, booking form dated 09/09/2018 and memo of calculation.
5. Hearings were conducted on 19/08/2022, 12/09/2022, 26/09/2022, 17/10/2022 and finally on 14/11/2022.
6. Heard complainant.
7. **On the above averments, the following points would arise for my consideration:-**
  1. Whether the complaint is entitled for the relief claimed?
  2. What order?
8. **My answer to the above points is as under:-**
  1. In the Affirmative.
  2. As per final order for the following

4/11/22

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**REASONS**

9. **My answer to point No. 1:-** From the materials available on records, it is apparent that the complainant has cancelled the booking of the said apartment and the same has been accepted by the respondent on 26/12/2019. But, the respondent has failed to refund the booking amount and not responding to the calls and e-mails.
10. From the averments of the complaint, it is obvious that the complainant has paid booking advance amount. Having accepted the said amount and failure to keep up promise to refund the same certainly entitles the complainant herein for refund with interest.
11. Having regard to all these aspects, this Authority concludes that the complainant is entitled for refund with interest.
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, 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/210706/0008103 is hereby allowed.

1. The respondent is directed to pay the booking amount of Rs.2,00,000/- (Rupees Two Lakhs Only) SBI MCLR+2% from 09/09/2018 till the date of entire realisation.

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2. The complainant is at liberty to enforce the said order in accordance with law if the respondent fails to comply with the above order.

No order as to costs.

  
(H.C. KISHORE CHANDRA)  
CHAIRMAN  
K-RERA

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