

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 30th NOVEMBER 2022

COMPLAINT NO: CMP/UR/210201/0007456

COMPLAINANTS...

**HANAMANT KRISHNA JI KULKARNI &
SUNITA HANAMANT KULKARNI**

002, Blue Sky Green Woods Apartment,
Ramanashree Nagar, Off Bannerghatta
Road, Doddakammanhalli Road,
Bengaluru – 560076.

(In person)

V/S

RESPONDENT...

BLUE SKY BUILDTEC,

Rep. by Sri. V. Ravindra Naid, Partner,
73 & 74, 2nd Cross, Brightway Layout,
Near Brightway School,
Uttarahalli Main Road,
Vasanthapura Hobli,
Bengaluru – 560068.

(Rep. by Sri. Mahesha, Advocate)

J U D G E M E N T

1. This Complaint is filed under Section 31 of the RERA Act, 2016 before this Authority against the project 'Ramanashree Blue Sky Green Woods' developed by 'Blue Sky Buildtec' praying for the relief of direction to the respondent to allot car parking slots in common area, provide power back up by installing diesel generator and to furnish occupancy and completion certificates.
2. This is an unregistered project.

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The brief facts of the complaint are as under:-

3. The Complainants have booked a three bedroom residential flat bearing No. 002 on the ground floor in the project of respondent wherein the complainants have entered into absolute sale deed on 19/10/2016 and paid full consideration for flat and car parking. But the builder has not allotted the specific car parking slot and this has become hindrance for selling the flat as buyers need designated slot. Further, the respondent has not provided diesel generator as power back up. Due to this light, water and elevator facility is lacking when BESCOM power supply is not there. Respondent has failed to provide occupation and completion certificates due to which these buyers are not able to get bank loans. Complainants are willing to sell the flat because of depleting health condition. Due to lack of above aspects they are inconvenienced. Many letters, personal approaches by the complainants to provide above aspects, there is no response from the builder. Hence this complaint.
4. After registration of the complaint, in pursuance of the notice, the respondent has appeared before this Authority through its counsel.
5. In support of their claim, the complainant has produced absolute sale deed dated 19/10/2016.
6. On the other hand, the respondent has filed a memo dated 26/04/2022 along with photographs.
7. Hearings were conducted on 01/12/2021, 13/01/2022, 17/02/2022, 16/03/2022, 26/04/2022, 30/05/2022, 01/06/2022 and 15/06/2022.
8. During hearing on 30/05/2022 and 15/06/2022, the Authority has directed the complainant to file all the materials and documents relied upon by them to establish that the project ought to have been registered as ongoing project. But, the complainant has failed to furnish documents to prove that

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the project comes under jurisdiction of RERA.

9. Heard arguments of both sides.
10. **On the above averments, the following points would arise for our consideration:-**
1. Whether the project 'Ramanashree Blue Sky Green Woods' requires registration under RERA?
 2. Whether the complaint is entitled for the relief claimed?
 3. What order?
11. **Our answer to the above points is as under:-**
1. In the Negative.
 2. In the Negative.
 3. As per final order for the following

REASONS

12. **Our findings to point No. 1 and 2:-** Both these points are taken up together for discussions as they are interrelated and in order to avoid repetition.
13. The grievance of the complainants is that, the complainants have entered into absolute sale deed on 19/10/2016 and paid full consideration for flat and car parking. But, the builder has not allotted the specific car parking slot and this has become hindrance for selling the flat as buyers need designated slot. Further, the respondent has not provided diesel generator as power back up due to which light, water and elevator facility is lacking when BESCOM power supply is not there. Respondent has failed to provide occupation and completion certificate, due to which buyers are not able to get bank loans. Complainants are willing to sell the flat because of depleting health condition. Due to lack of above aspects they are inconvenienced.

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Relu

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Many letters, personal approaches by the complainants to provide above aspects, there is no response from the builder.

14. It is pertinent to note that, during proceedings, the complainants have submitted that, the builder has allotted the car parking slot and installed diesel generator as power back up except occupancy certificate.
15. During proceedings the complainant was directed to furnish documents to establish that the said project was ongoing as on the date of RERA came into effect. Hence, in this case the respondent has already executed the sale deed in favour of the complainant in respect of flat bearing No.002 on 19/10/2016.
16. Therefore, the onus lies upon the complainant to furnish material before this Authority in order to prove that as on the date of filing this complaint. The said project was ongoing which requires registration under Section 3 of the Act.
17. In spite of providing sufficient opportunity the complainant has failed to furnish such documents. Hence, in the absence of any such materials it cannot be considered that as an ongoing project as on the date of filing this complaint. So, the complainant is not entitled for any such relief claimed.
18. Accordingly, the point No. 1 and 2 raised above is answered in the Negative.
19. **Our findings to point No. 3:-** In view of the above discussion, the complaint deserves to be dismissed. Hence, we proceed to pass the following

Ans

MHS

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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/210201/0007456 is hereby dismissed as not maintainable.

No order as to costs.


(H.C. KISHORE CHANDRA)

Chairman
K-RERA


(NEELMANI N RAJU)
Member
K-RERA

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