

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 7TH DECEMBER 2022

PRESIDED BY HON'BLE MEMBER SMT.NEELMANI N RAJU

COMPLAINT NO.: CMP/191204/0004885

COMPLAINANT.....

**MR. RAJENDRA SINGH
TRELLEBORG SEALING SOLUTIONS
22/9, BERETANA AGRAHARA
NEAR TIMMAREDDY GOVERNMENT SCHOOL
HOSUR ROAD
BANGALORE-560100.**

(IN PERSON)

Vs

RESPONDENT.....

**ASWANI PROPERTIES INDIA PVT LTD
NO.50/7, 3RD FLOOR, 16TH MAIN
39TH CROSS, JAYANAGAR 4TH 'T' BLOCK
BANGALORE-560041.**

**(BY MR. LAKSHMISH G, ADVOCATE,
LG ASSOCIATES)**

*** * * * ***

J U D G E M E N T

1. This complaint is filed under section 31 of the RERA Act against the project "ASWANI SUNSHINE" developed by **M/S. ASWANI PROPERTIES INDIA PVT LTD** on Aswani Sunshine, S.No.16/3, Kotaganahalli, Attibele-Sarjapura Road, Sarjapura, Anekal Taluk, Bengaluru Urban for the relief of interest on delay period.
2. This project has been registered under RERA vide registration No.PRM/KA/RERA/1251/308/PR/171014/000896 and was valid from 31/7/2017 till 31/7/2019.

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Brief facts of the complaint are as under:-

3. The complainant has purchased an apartment in the project of respondent and entered into an agreement of sale and construction agreement on 17/05/2017 and has paid total sale consideration amount of Rs.15,62,000/- (Rupees Fifteen Lakh Sixty Two Thousand only) to the respondent. The respondent was supposed to hand over the possession of the flat to the complainant by the end of March 2018 as assured by him through email dated 17/5/2017. The project was supposed to be completed by July 2019. On repeated request of the complainant, the respondent gave physical possession of the apartment on 10/05/2019 but did not execute and register the sale deed in favour of the complainant. Later, the sale deed was executed and registered on 03/09/2021. The complainant submits that the respondent has not provided the amenities such as, Lift, STP, Electricity, Khata, Swimming Pool, etc as agreed. Thus, the complainant has approached this Authority with a prayer to direct the respondent to complete the pending project work, handover all project related documents, pay delay compensation. Hence, this complaint.
4. After registration of the complaint, in pursuance of the notice, the respondent has appeared before the Authority through its counsel, but has not filed statement of objections or produced any documents on its behalf.
5. In support of his claim, the complainant has produced documents such as copies of Agreement of Sale, Sale Deed, Payment Receipts and memo of calculation as on 23/7/2022.
6. Heard arguments of complainant side.



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

1. Whether the complainant is entitled for the relief claimed?
2. What order?

8. My answer to 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 with all the amenities and NOCs from the various government authorities, the respondent has failed to abide by the terms of the agreement and has not completed the amenities such as electricity, swimming pool, STP, Khata Certificate, Lift, etc. The complainant vide his memo of calculation as on 23/7/2022 has claimed an amount of Rs.4,92,030/- as interest on delay from 10/5/2019 to 23/7/2022. The respondent has not filed its memo of calculation despite several opportunities given. Despite several notices and summons sent, the respondent did not appear for hearing. The summons was also returned unserved. The complainant has submitted that though the physical possession was given on 10/5/2019, the registration of the property was executed on 03/09/2021. Having regard to all these aspects, this Authority concludes that the complainant is entitled for delay period interest from 31/03/2018 to 03/09/2021.

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



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Payment Details			
S.NO	TYPE	AMOUNT	DATE
1	TOTAL PAYMENT TILL POSSESSION	14,23,571	31-03-2018
2	SUBSEQUENT PAYMENT 1	1,21,570	07-09-2021
3	TOTAL PRINCIPLE AMOUNT	15,45,141	
4	TOTAL DELAY PERIOD INTEREST AS ON 03/09/2021	4,89,656	

Interest Calculation						
S.NO	FROM DATE	TO DATE	NO. OF DAYS	MCLR RATE	INTEREST RATE	INTEREST
INTEREST CALCULATION FOR AMOUNT PAID TILL POSSESSION 14,23,571						
1	31-03-2018	30-04-2018	30	8.35	10.35 as on 01-03-2018	12,110
2	30-04-2018	30-05-2018	30	8.35	10.35 as on 01-04-2018	12,110
3	30-05-2018	30-06-2018	31	8.35	10.35 as on 01-05-2018	12,513
4	30-06-2018	30-07-2018	30	8.45	10.45 as on 01-06-2018	12,227
5	30-07-2018	30-08-2018	31	8.45	10.45 as on 01-07-2018	12,634
6	30-08-2018	30-09-2018	31	8.45	10.45 as on 01-08-2018	12,634
7	30-09-2018	30-10-2018	30	8.65	10.65 as on 01-09-2018	12,461
8	30-10-2018	30-11-2018	31	8.7	10.7 as on 01-10-2018	12,936

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9	30-11-2018	30-12-2018	30	8.7	10.7 as on 01-11-2018	12,519
10	30-12-2018	30-01-2019	31	8.75	10.75 as on 10-12-2018	12,997
11	30-01-2019	28-02-2019	29	8.75	10.75 as on 10-01-2019	12,158
12	28-02-2019	28-03-2019	28	8.75	10.75 as on 10-02-2019	11,739
13	28-03-2019	28-04-2019	31	8.75	10.75 as on 10-03-2019	12,997
14	28-04-2019	28-05-2019	30	8.7	10.7 as on 10-04-2019	12,519
15	28-05-2019	28-06-2019	31	8.65	10.65 as on 10-05-2019	12,876
16	28-06-2019	28-07-2019	30	8.65	10.65 as on 10-06-2019	12,461
17	28-07-2019	28-08-2019	31	8.6	10.6 as on 10-07-2019	12,816
18	28-08-2019	28-09-2019	31	8.45	10.45 as on 10-08-2019	12,634
19	28-09-2019	28-10-2019	30	8.35	10.35 as on 10-09-2019	12,110
20	28-10-2019	28-11-2019	31	8.25	10.25 as on 10-10-2019	12,392
21	28-11-2019	28-12-2019	30	8.2	10.2 as on 10-11-2019	11,934
22	28-12-2019	28-01-2020	31	8.2	10.2 as on 10-12-2019	12,332
23	28-01-2020	28-02-2020	31	8.2	10.2 as on 10-01-2020	12,332

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24	28-02-2020	28-03-2020	29	8.15	10.15 as on 10-02-2020	11,480
25	28-03-2020	28-04-2020	31	8.05	10.05 as on 10-03-2020	12,151
26	28-04-2020	28-05-2020	30	7.7	9.7 as on 10-04-2020	11,349
27	28-05-2020	28-06-2020	31	7.55	9.55 as on 10-05-2020	11,546
28	28-06-2020	28-07-2020	30	7.3	9.3 as on 10-06-2020	10,881
29	28-07-2020	28-08-2020	31	7.3	9.3 as on 10-07-2020	11,244
30	28-08-2020	28-09-2020	31	7.3	9.3 as on 10-08-2020	11,244
31	28-09-2020	28-10-2020	30	7.3	9.3 as on 10-09-2020	10,881
32	28-10-2020	28-11-2020	31	7.3	9.3 as on 10-10-2020	11,244
33	28-11-2020	28-12-2020	30	7.3	9.3 as on 10-11-2020	10,881
34	28-12-2020	28-01-2021	31	7.3	9.3 as on 10-12-2020	11,244
35	28-01-2021	28-02-2021	31	7.3	9.3 as on 10-01-2021	11,244
36	28-02-2021	28-03-2021	28	7.3	9.3 as on 10-02-2021	10,156
37	28-03-2021	28-04-2021	31	7.3	9.3 as on 10-03-2021	11,244
38	28-04-2021	28-05-2021	30	7.3	9.3 as on 10-04-2021	10,881

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39	28-05-2021	28-06-2021	31	7.3	9.3 as on 15-05-2021	11,244
40	28-06-2021	28-07-2021	30	7.3	9.3 as on 15-06-2021	10,881
41	28-07-2021	28-08-2021	31	7.3	9.3 as on 15-07-2021	11,244
42	28-08-2021	03-09-2021	6	7.3	9.3 as on 15-08-2021	2,176
INTEREST CALCULATION FOR 1 SUBSEQUENT PAYMENT 1,21,570						
					TOTAL DELAYED INTEREST as on 03/09/2021	4,89,656

11. Accordingly, the 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 complaint bearing No. **CMP/191204/0004885** is hereby allowed.

- Respondent is directed to pay a sum of **Rs.4,89,656/- (Rupees Four Lakh Eighty Nine Thousand Six Hundred and Fifty Six only)** towards delay period interest to the complainant within 60 days from the date of this order, calculated from 31/03/2018 to 03/09/2021. 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.

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2. To complete all the pending works related to amenities as agreed by the respondent without any delay.
3. To handover all the project related documents such as, NOCs, Khata Certificate, etc., to the complainant.


(Neelmani N Raju)
Member, K-RERA

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