

**KARNATAKA REAL ESTATE REGULATORY AUTHORITY, BENGALURU**

**FIFTH ADDITIONAL BENCH**

**CORUM**

**SHRI.G.R. REDDY  
HON'BLE MEMBER**

**COMPLAINT NO.CMP/200824/0006404**

**DATED THIS 15<sup>TH</sup> DAY OF DECEMBER, 2022**

COMPLAINANTS : Mr.Nitin Bujade  
No.6, 2<sup>nd</sup> Cross, Behind Ganesh  
Temple, New Thippasandra  
Bengaluru : 560075

RESPONDENT : M/s.SJR Prime Corporation Pvt Ltd.  
The Hub, # 8/2 & 9, Ambalipura  
Bellandur, Sarjapur Main Road  
Bangalore : 560103

PROJECT NAME & : SJR BLUE WATERS  
REGISTRATION NO. PRM/KA/RERA/1251/446/PR/  
171208/001196

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

This complaint is filed under Sec-31 of the Real Estate (Regulation and Development) Act, 2016 before this Authority against the project SJR BLUE WATERS praying for a direction to Refund the amount paid with Interest.

**BRIEF FACTS OF THE COMPLAINT ARE AS UNDER:-**

1. The complainant has entered into a Construction Agreement on 10.08.2015. As per the agreement, the project completion date is 31.01.2017. The complainant has paid an amount of Rs.48,14,568/- (Rupees Fortyeight lakhs fourteen thousand five hundred sixty eight only) to the respondent till date. Since there was more than 5 years delay in handing over the apartment as per 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.

2. After registration of the complaint, the respondent has not appeared before the Authority either by itself or through its counsel. The Authority has issued Notice of hearing on 18.8.2022, 20.09.2022, 14.10.2022, 27.10.2022. On all the four occasions the Complainant was present and the Respondent failed to attend the hearing. On 31.10.2022, a memo was filed on behalf of the Respondent in the Office of the Authority without mentioning any name and address of the Advocate, requesting for an opportunity of being heard before the orders are passed. Authority has given one more opportunity for the Respondent to appear on 13.12.2022 and file statement of objections, if any. The Respondent failed to attend even on 13.12.2022. The complainant has prayed for refund with interest and submitted their memo of calculation for refund with interest.
3. 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.
4. Therefore, as per Section 18 of the Act, the promoter is liable to refund the amount received along with interest.
5. From the averments made in the complaint, it is obvious that complainant has paid the advance sale consideration amount and are entitled to get his 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.

6. Therefore, it is incumbent upon the respondent to refund the amount with interest which is determined as under:

**Memo of Calculation by the Complainant as on 08-08-2022**

Principle amount (A) Rs.	Interest (B) As on 08.08.2022 Rs.	Refund from Promoter (C)	Total Balance Amount (A+B) Rs.
48,14,568	34,12,501	NIL	82,27,069

And accordingly the Authority passes 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/200824/0006404** is hereby allowed. Respondent is directed to refund a sum of **Rs. 82,27,069/- (Rupees Eighty two lakhs twenty seven thousand sixty nine only)** towards refund with interest to the complainant within 60 days from the date of this order, calculated from 01/05/2017 till 08.08.2022.

The interest due from 09.08.2022 up to the date of final payment will be calculated likewise and paid to the complainant. 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.

  
(G.R. REDDY)  
MEMBER  
FIFTH ADDITIONAL BENCH  
K-RERA

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