

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

PRESENT

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

COMPLAINT NO.: CMP/220708/0009735

DATED THIS 20th DAY OF DECEMBER, 2022

COMPLAINANT.....

SAURABH SHARMA,
119, 18th Main Road,
Bengaluru - 560008.

(In person)

V/S

RESPONDENT.....

MAHENDRA HOMES PVT. LTD.,
No. 51, 12th Main, 17th Cross,
6th Sector, HSR Layout,
Bengaluru - 560102.

(Ex-parte)

**PROJECT NAME &
REGISTRATION NO.**

MAHENDRA AARNA
PRM/KA/RERA/1251/310/
PR/170915/000061

J U D G E M E N T

1. This complaint is filed under section 31 of the RERA Act against the project "Mahendra Aarna" developed by "Mahendra Homes Pvt. Ltd.," for the relief of refund with interest.



2. The complainant has booked an apartment in the project of respondent and entered into an booking form on 08/05/2022 and has paid an amount of Rs.1,00,000/- (Rupees One Lakhs only) to the respondent. Later, the complainant was unable to arrange the required amount to proceed with down payment and registration due to unforeseen circumstances and due to increase of home loan. In view of this, complainant requested the respondent to cancel the booking and to refund the entire amount paid. Further, the builder has sent a mail to the complainant that only 50% of the amount i.e., only fifty thousand will be repaid. Hence, complainant is requesting this Authority to refund the entire amount from builder. Hence, this complaint.
3. After registration of the complaint several notices were sent to the respondent on his give address for appearance before the Authority. The respondent has failed to appear before the Authority either through its representative or counsel and never attended the hearing and hence, the respondent has been placed as ex-parte.
4. This matter was heard on 26/09/2022, 17/10/2022 and 18/11/2022. The case was finally posted for orders on 09/12/2022.
5. In support of his claim, the complainant has produced in all 3 documents such as copy of booking form, payment receipt and cancellation mail.
6. Heard arguments of complainant side.
7. On the above averments, the following points would arise for my consideration:-

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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 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 07/07/2022. But, the respondent has failed to refund the booking amount and not responding to the calls and e-mails.
10. In pursuance of the notice, inspite of providing sufficient opportunity the respondent has not taken any interest to participate in the proceedings and to contest the matter by filing objections and producing documents on its behalf. In the absence of any resistance from the respondent side the claim of the complainant remained unchallenged.
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, I 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/220708/0009735 is hereby allowed.

1. The respondent is directed to pay the booking amount of Rs.1,00,000/- (Rupees One Lakh Only) towards refund with interest at the rate of SBI MCLR+2% from 08/05/2022 till the date of entire realisation.
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