

**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 30<sup>th</sup> DECEMBER 2022**

**PRESIDED BY HON'BLE MEMBER SMT.NEELMANI N RAJU**

**COMPLAINT NO.: CMP/220426/0009388**

**COMPLAINANT.....**

**MR. TANMAY DAYMA &  
MRS. AKANKSHA DAYMA  
448, SARV SAMPANN NAGAR  
KANADIA ROAD, BICHOLI HAPSI  
PIN CODE: 452106  
DISTRICT INDORE  
STATE: MADHYA PRADESH**

**(IN PERSON)**

**Vs**

**RESPONDENT.....**

**SHRIPROP DWELLERS PVT LTD  
40/43, 8<sup>TH</sup> MAIN, 4<sup>TH</sup> CROSS  
RMV EXTENSION  
SADASHIVA NAGAR  
BANGALORE-560080.**

**SHRIRAM PROPERTIES PVT LTD  
40/43, 8<sup>TH</sup> MAIN, 4<sup>TH</sup> CROSS  
SADASHIVA NAGAR  
BANGALORE-560080.**

**(By Mr.Joseph Anthony, Advocate  
& others, JSM Law Partners)**

**\* \* \* \* \***

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

1. This complaint is filed under section 31 of the RERA Act against the project "SHRIRAM SUMMIT" developed by **SHRIRAM PROPERTIES PVT LTD** on Sy.No.80/1, 2, 3, 4, 84/6 & 7, 85/2, 87/2, 89/1 & 2, 121/1, 2, 3, Veerasandra

14/12/22

# 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

Village & Hebbagodi Village, Attibele, Anekal Taluk, Bengaluru Urban-562107 for the relief of interest on delay.

2. This project has been registered under RERA bearing Registration No.PRM/KA/RERA/1251/308/PR/171015/001121 valid till 31/3/2021. The project was extended due to Covid-19 for a period of 9 months till 31/12/2021. The Authority has further extended its registration for a further period of 12 months i.e. till 31/12/2022.

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

3. The complainants had purchased an apartment in the project of respondent and entered into an agreement of sale on 27/04/2019 and has paid an amount of Rs.59,16,393/- (Rupees Fifty Nine Lakh Sixteen Thousand Three Hundred and Ninety Three only) on various dates to the respondent (as on 13/6/2022). The respondent was supposed to hand over the possession of the flat to the complainants by 31/12/2019, but till 22/07/2022 the respondent did not handover the possession of the apartment to the complainants. Thus, the respondent has failed to complete the project and deliver the possession of the flat on time as agreed citing various reasons. The complainants submit that they have paid 90% of the total sale consideration to the respondent as per time schedule without any delay. The respondent informed the complainants about receipt of occupancy certificate and arranging for pre-registration visit to the apartment through an email dated 30/5/2022. The respondent has executed and registered the sale deed in favour of the complainants on 22/07/2022. Due to this enormous delay, the complainants have undergone mental and financial hardships. The respondent has told that he will only handover the apartment and not pay interest for delay. Hence, this complaint.



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

4. After registration of the complaint, in pursuance of the notice, the respondent has appeared before the Authority through its counsel and has filed statement of objections as under:

5. The Respondent contends that the complainant is not entitled for seeking relief sought in light of the Agreement of Sale dated 31/05/2018 and submits that the delay in completion of the project was attributed to the pending litigations against the respondent before the Hon'ble National Green Tribunal in O.A.No.222/2014 as well as before the Hon'ble Supreme Court in Civil Appeal No.5016/2016 benches regarding maintenance of buffer zones where the apartment allotted to complainants in respect of the project was situated and on conclusion of the cases in Hon'ble NGT and Hon'ble Supreme Court, the construction proceeded.

6. The respondent further contends that the project has not been completed within stipulated time due to force majeure events such as, scarcity of raw materials, non-availability of skilled labours, transport disruption or such reasons beyond the control of the respondent, and the respondent cannot be held liable to compensate the complainants under section 18(1) of RERA Act. In addition COVID-19 pandemic and the lockdown have also contributed significantly to the obstacles faced by the respondent. The respondent contends that there is no wilful delay or default by the respondent in handing over the possession of the apartment to the complainants and continues to remain committed to delivering the possession to its customers. The respondent denies the allegations of the complainants and submits that the delay has been caused as a result of factors beyond the control of the respondent such as the ruling of the NGT and force majeure of the pandemic. The respondent further contends that the impact of the ruling of the NGT, New Delhi was common knowledge as the same had been extensively published in the media and the newspapers as the same was widely covered in public knowledge.



# 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

7. The respondent also submits a copy of the Occupancy Certificate issued by BDA dated 7/5/2022 and accordingly intimated the allottees through email dated 30/5/2022 and that the allottees will be invited for pre-registration visit. The respondent has executed and registered the sale deed in favour of the complainant on 22/7/2022 and prays not to grant the relief sought by the complainants in the interest of justice and equity and to dismiss the complaint.

8. In support of their defence, the respondent has submitted copies of the Agreement of Sale, Occupancy Certificate dated 7/5/2022 from BDA, sanctioned plan dated 1/3/2016, Order dated 4/5/2016 passed by Hon'ble National Green Tribunal, Delhi in O.A.222/2014, Order dated 5/3/2019 passed by the Hon'ble Supreme Court in Civil Appeal No.5016/2016, maps of Bommenahalli and Bendiganahalli village depicting the lake, copies of the RERA registration and extension certificates, Sale Deed dated 22/7/2022, email correspondence with the complainants and memo of calculation as on 7/5/2022.

9. In support of their claim, the complainants have produced documents such as copies of Agreement of Sale, payment receipts, statement of account issued by the respondent, email correspondence with the respondent, Demand letter and memo of calculation as on 25/06/2022 (calculated from 31/12/2019 till 25/06/2022).

10. Heard arguments of both sides.

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

1. Whether the complainants are entitled for the relief claimed?
2. What order?

**12. My answer to the above points are as under:-**

1. In the Affirmative.
2. As per final order for the following

*Handwritten signature*

**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

**REASONS**

**13. 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 within 31/12/2019, the respondent failed to abide by the terms of the agreement. The respondent has executed and registered the sale deed in favour of the complainants and handed over the possession of the apartment to the complainants on 22/07/2022. It is also evident from the records that the respondent on receipt of the Occupancy Certificate dated 7/5/2022 has informed all the allottees about the receipt of occupancy certificate and arranging for pre-registration visit to their respective apartment through email dated 30/5/2022. The complainant vide his memo of calculation as on 25/06/2022 has claimed an amount of Rs.11,48,102/- as delay period interest calculated from 31/12/2019 to 25/06/2022. The respondent vide his memo of calculation as on 7/5/2022 submits that the complainants have to be paid an amount of Rs.8,85,254/- (calculated from 31/12/2019 to 7/5/2022). Having regard to all these aspects, this Authority concludes that the complainants are entitled for delay period interest from 31/12/2019 to 22/07/2022.

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

Payment Details			
S.NO	TYPE	AMOUNT	DATE
1	TOTAL PAYMENT TILL POSSESSION	43,72,868	31-12-2019
2	SUBSEQUENT PAYMENT 1	4,68,517	31-03-2021
3	SUBSEQUENT PAYMENT 2	4,68,525	20-07-2021
4	SUBSEQUENT PAYMENT 3	3,12,344	23-11-2021
5	SUBSEQUENT PAYMENT 4	2,35,250	22-12-2021
6	SUBSEQUENT PAYMENT 5	58,889	13-06-2022
7	TOTAL PRINCIPLE AMOUNT	59,16,393	

*(Signature)*

**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

8	<b>TOTAL DELAYED INTEREST as on 22/07/2022</b>	<b>11,91,639</b>	
---	--	------------------	--

Interest Calculation						
S.NO	FROM DATE	TO DATE	NO. OF DAYS	MCLR RATE	INTEREST RATE	INTEREST
INTEREST CALCULATION FOR AMOUNT PAID TILL POSSESSION 43,72,868						
1	31-12-2019	31-01-2020	31	8.2	10.2 as on 10-12-2019	37,882
2	31-01-2020	29-02-2020	29	8.2	10.2 as on 10-01-2020	35,438
3	29-02-2020	29-03-2020	29	8.15	10.15 as on 10-02-2020	35,264
4	29-03-2020	29-04-2020	31	8.05	10.05 as on 10-03-2020	37,325
5	29-04-2020	29-05-2020	30	7.7	9.7 as on 10-04-2020	34,863
6	29-05-2020	29-06-2020	31	7.55	9.55 as on 10-05-2020	35,468
7	29-06-2020	29-07-2020	30	7.3	9.3 as on 10-06-2020	33,425
8	29-07-2020	29-08-2020	31	7.3	9.3 as on 10-07-2020	34,539
9	29-08-2020	29-09-2020	31	7.3	9.3 as on 10-08-2020	34,539
10	29-09-2020	29-10-2020	30	7.3	9.3 as on 10-09-2020	33,425
11	29-10-2020	29-11-2020	31	7.3	9.3 as on 10-10-2020	34,539
12	29-11-2020	29-12-2020	30	7.3	9.3 as on 10-11-2020	33,425

*Handwritten signature*

**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

13	29-12-2020	29-01-2021	31	7.3	9.3 as on 10-12-2020	34,539
14	29-01-2021	28-02-2021	30	7.3	9.3 as on 10-01-2021	33,425
15	28-02-2021	28-03-2021	28	7.3	9.3 as on 10-02-2021	31,197
16	28-03-2021	28-04-2021	31	7.3	9.3 as on 10-03-2021	34,539
17	28-04-2021	28-05-2021	30	7.3	9.3 as on 10-04-2021	33,425
18	28-05-2021	28-06-2021	31	7.3	9.3 as on 15-05-2021	34,539
19	28-06-2021	28-07-2021	30	7.3	9.3 as on 15-06-2021	33,425
20	28-07-2021	28-08-2021	31	7.3	9.3 as on 15-07-2021	34,539
21	28-08-2021	28-09-2021	31	7.3	9.3 as on 15-08-2021	34,539
22	28-09-2021	28-10-2021	30	7.3	9.3 as on 15-09-2021	33,425
23	28-10-2021	28-11-2021	31	7.3	9.3 as on 15-10-2021	34,539
24	28-11-2021	28-12-2021	30	7.3	9.3 as on 15-11-2021	33,425
25	28-12-2021	28-01-2022	31	7.3	9.3 as on 15-12-2021	34,539
26	28-01-2022	28-02-2022	31	7.3	9.3 as on 15-01-2022	34,539
27	28-02-2022	28-03-2022	28	7.3	9.3 as on 15-02-2022	31,197

*Handwritten signature*



**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

28	28-03-2022	28-04-2022	31	7.3	9.3 as on 15-03-2022	34,539
29	28-04-2022	28-05-2022	30	7.4	9.4 as on 15-04-2022	33,784
30	28-05-2022	28-06-2022	31	7.5	9.5 as on 15-05-2022	35,282
31	28-06-2022	22-07-2022	24	7.7	9.7 as on 15-06-2022	27,890
<b>INTEREST CALCULATION FOR 1 SUBSEQUENT PAYMENT 468,517</b>						
1	31-03-2021	30-04-2021	30	7.3	9.3 as on 10-03-2021	3,581
2	30-04-2021	30-05-2021	30	7.3	9.3 as on 10-04-2021	3,581
3	30-05-2021	30-06-2021	31	7.3	9.3 as on 15-05-2021	3,700
4	30-06-2021	30-07-2021	30	7.3	9.3 as on 15-06-2021	3,581
5	30-07-2021	30-08-2021	31	7.3	9.3 as on 15-07-2021	3,700
6	30-08-2021	30-09-2021	31	7.3	9.3 as on 15-08-2021	3,700
7	30-09-2021	30-10-2021	30	7.3	9.3 as on 15-09-2021	3,581
8	30-10-2021	30-11-2021	31	7.3	9.3 as on 15-10-2021	3,700
9	30-11-2021	30-12-2021	30	7.3	9.3 as on 15-11-2021	3,581
10	30-12-2021	30-01-2022	31	7.3	9.3 as on 15-12-2021	3,700
11	30-01-2022	28-02-2022	29	7.3	9.3 as on 15-01-2022	3,461

*Handwritten signature*



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

12	28-02-2022	28-03-2022	28	7.3	9.3 as on 15-02-2022	3,342
13	28-03-2022	28-04-2022	31	7.3	9.3 as on 15-03-2022	3,700
14	28-04-2022	28-05-2022	30	7.4	9.4 as on 15-04-2022	3,619
15	28-05-2022	28-06-2022	31	7.5	9.5 as on 15-05-2022	3,780
16	28-06-2022	22-07-2022	24	7.7	9.7 as on 15-06-2022	2,988
INTEREST CALCULATION FOR 2 SUBSEQUENT PAYMENT 468,525						
1	20-07-2021	20-08-2021	31	7.3	9.3 as on 15-07-2021	3,700
2	20-08-2021	20-09-2021	31	7.3	9.3 as on 15-08-2021	3,700
3	20-09-2021	20-10-2021	30	7.3	9.3 as on 15-09-2021	3,581
4	20-10-2021	20-11-2021	31	7.3	9.3 as on 15-10-2021	3,700
5	20-11-2021	20-12-2021	30	7.3	9.3 as on 15-11-2021	3,581
6	20-12-2021	20-01-2022	31	7.3	9.3 as on 15-12-2021	3,700
7	20-01-2022	20-02-2022	31	7.3	9.3 as on 15-01-2022	3,700
8	20-02-2022	20-03-2022	28	7.3	9.3 as on 15-02-2022	3,342
9	20-03-2022	20-04-2022	31	7.3	9.3 as on 15-03-2022	3,700
10	20-04-2022	20-05-2022	30	7.4	9.4 as on 15-04-2022	3,619

Handwritten signature/initials.

**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

11	20-05-2022	20-06-2022	31	7.5	9.5 as on 15-05-2022	3,780
12	20-06-2022	20-07-2022	30	7.7	9.7 as on 15-06-2022	3,735
13	20-07-2022	22-07-2022	2	7.8	9.8 as on 15-07-2022	251
<b>INTEREST CALCULATION FOR 3 SUBSEQUENT PAYMENT 312,344</b>						
1	23-11-2021	23-12-2021	30	7.3	9.3 as on 15-11-2021	2,387
2	23-12-2021	23-01-2022	31	7.3	9.3 as on 15-12-2021	2,467
3	23-01-2022	23-02-2022	31	7.3	9.3 as on 15-01-2022	2,467
4	23-02-2022	23-03-2022	28	7.3	9.3 as on 15-02-2022	2,228
5	23-03-2022	23-04-2022	31	7.3	9.3 as on 15-03-2022	2,467
6	23-04-2022	23-05-2022	30	7.4	9.4 as on 15-04-2022	2,413
7	23-05-2022	23-06-2022	31	7.5	9.5 as on 15-05-2022	2,520
8	23-06-2022	22-07-2022	29	7.7	9.7 as on 15-06-2022	2,407
<b>INTEREST CALCULATION FOR 4 SUBSEQUENT PAYMENT 235,250</b>						
1	22-12-2021	22-01-2022	31	7.3	9.3 as on 15-12-2021	1,858
2	22-01-2022	22-02-2022	31	7.3	9.3 as on 15-01-2022	1,858
3	22-02-2022	22-03-2022	28	7.3	9.3 as on 15-02-2022	1,678

*Handwritten signature*

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

4	22-03-2022	22-04-2022	31	7.3	9.3 as on 15-03-2022	1,858
5	22-04-2022	22-05-2022	30	7.4	9.4 as on 15-04-2022	1,817
6	22-05-2022	22-06-2022	31	7.5	9.5 as on 15-05-2022	1,898
7	22-06-2022	22-07-2022	30	7.7	9.7 as on 15-06-2022	1,875
INTEREST CALCULATION FOR 5 SUBSEQUENT PAYMENT 58,889						
1	13-06-2022	13-07-2022	30	7.5	9.5 as on 15-05-2022	459
2	13-07-2022	22-07-2022	9	7.7	9.7 as on 15-06-2022	140
					TOTAL DELAYED INTEREST as on 22/07/2022	11,91,639

15. Accordingly, the point raised above is answered in the Affirmative.

16. **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/220426/0009388** is hereby allowed. Respondent is directed to pay a sum of **Rs.11,91,639/- (Rupees Eleven Lakh Ninety One Thousand Six Hundred and Thirty Nine only)** towards delay period interest to the complainants within 60 days from the date of this order, calculated at MCLR + 2% from

*[Handwritten Signature]*

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

31/12/2019 till 22/07/2022. The complainants are 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.



(Neelmani N Raju)  
Member, K-RERA

NOT AN OFFICIAL COPY