

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 THIS 9th DAY OF JANUARY, 2023

COMPLAINT NO.: CMP/UR/211028/0008479

COMPLAINANT.....

CHANDRASHEKHAR KUMAR,
Flat No. CB-00-06, Block No. B1,
Kempegowda Main Road,
Dasarahalli,
Bengaluru - 560024.

(In person)

V/S

RESPONDENT.....

RAMANA REDDY K,
H. No. 301, Mahalakshmi Nivas,
Sagar Society, Road No. 2,
Banjara Hills,
Hydrabad - 500034.

(Ex-parte)

J U D G E M E N T

1. This complaint is filed under section 31 of the RERA Act against the project "KSR Cordelia" developed by "KSR Properties Pvt. Ltd.," for the relief of direction to the respondent to execute the sale deed in favour of the complainant.

Brief facts of the complaint are as under:-

2. The complainant had booked a flat bearing No.CB-00-06 in the project of respondent wherein the complainant entered into an agreement for sale and construction agreement on 31/03/2017 for the entire sale consideration of Rs.58,50,285/- (Rupees Fifty Eight Lakhs Fifty Thousand Two Hundred and Eighty Five only) which has been paid by the complainant to the respondent

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from 31/03/2017 to 23/05/2020. The respondent has handed over the possession of the apartment on 30/08/2021. But, the respondent has failed to execute the sale deed in favour of the complainant. Now, the complainant is in possession and paying electricity bill in the name of landowner. The respondent is prolonging to execute sale deed even after many follow-ups. The respondent is not fulfilling his promise which has been made as per sale agreement. Hence, this complaint.

3. After registration of the complaint several notices and summons were sent to the respondent for appearance before the Authority. In spite of service of notice, the respondent failed to appear before the Authority either through its representative or counsel and never attended the hearings. Hence, he has been placed as ex-parte.
4. This matter was heard on 25/03/2022, 07/06/2022, 26/07/2022 and 23/08/2022.
5. In support of his claim, the complainant has produced in all 6 documents such as copy of agreement to sell and construction dated 31/03/2017, Allotment letter dated 18/03/2017, Possession letter dated 30/08/2021, occupancy certificate dated 24/11/2018, Payment receipts from 15/03/2017 to 23/05/2020 and Gmail conversation between the parties regarding execution of sale deed.
6. Heard arguments of complainant side.
7. On the above averments, the following points would arise for our 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

Adl

Adl

Adl

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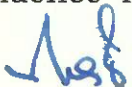
Karnataka Real Estate Regulatory Authority,

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2. As per final order for the following

REASONS

9. **Our findings on point No.1:-** Grievance of the complainant is that, inspite of receiving entire sale consideration and handing over possession of flat No. CB-00-06 in favour of complainant, several request and follow ups, the respondent has failed to register the sale deed in respect of the said flat in favour of the complainant.
10. The complainant has approached this Authority with a grievance that though he has paid the entire sale consideration to the respondent in respect of flat No. CB-00-06 and the respondent has handed over possession of the same to the complainant, the respondent has failed to register the sale deed of the said flat in his favour. He has requested several times and made follow ups for execution of sale deed. But, the respondent is not heeding to execute the sale deed.
11. From the materials available on record, it is apparent that the complainant has entered into an agreement for sale and construction agreement on 31/03/2017 with the respondent who has agreed to complete the work and to handover the possession of flat No. CB-00-06 in favour of complainant. On 30/08/2021 the respondent had handed over possession of the said flat to the complainant. Since then the complainant is in possession and enjoyment of the said flat and he is paying the electricity bill which is in the name of landowner. Further, there are E-mail conversations between the parties with regard to registration of sale deed of said flat and respondent is postponing the registration of the said flat on one or the other reason.
12. Though the notices were served on the respondent, he has not appeared before this Authority. In the absence of any resistance by the respondent side, the claim of the complainant which is corroborated with the cogent evidence remained unchallenged. Hence, there is no option left to this





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Authority except to accept the claim of the complainant which is supported with relevant documents.

13. Having regard to all these aspects, this Authority concludes that the complainant is entitled for refund with interest.
14. Accordingly, the point raised above is answered in the Affirmative.
15. **Our findings to point No.2:-** In view of the above discussion, the complaint deserves to be allowed. Hence, we 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/UR/211028/0008479 is hereby allowed as under

1. The respondent is directed to execute the sale deed in regard to flat No. CB-00-06 in the project KSR Cordelia in favour of complainant immediately.
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.


(Neelamani N Raju)
Member
K-RERA


(G.R. Reddy)
Member
K-RERA


(H.C. Kishore Chandra)
Chairman
K-RERA