

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**

**PRESIDED BY MR. H.C. KISHORE CHANDRA, HON'BLE CHAIRMAN**

**DATED 13<sup>TH</sup> March 2023**

**COMPLAINT NO. CMP/210126/0007500**

**COMPLAINANT:**

**REJIL M R**

011, F, LAKE VIEW COUNTY  
APARTMENT, MANIPAL COUNTY  
ROAD, SINGASANDRA  
**Bengaluru Urban-560068.**

**(IN PERSON)**

**V/s**

**RESPONDENTS...**

**M/s ALLAM INFINITE INDIA  
PRIVATE LIMITED**

#44/1, AZEEM PEARL  
DICKENSON ROAD  
YELLAPPA GARDEN

**BENGALURU URBAN-560 042**

**(BY Ms.GEETHA, NAGESHA P  
ADVOCATES)**

**PROJECT NAME &**

**GM AMBITIOUS ENCLAVE**

**REGISTRATION NO.**

**PRM/KA/RERA/1251/308  
PR/180406/001467**



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**JUDGEMENT**

1. This complaint has been filed under section 31 of the RERA Act against the project "**GM AMBITIOUS ENCLAVE**" developed by "**M/s ALLAM INFINITE INDIA PRIVATE LIMITED**" for the relief of refund of booking amount.
2. The promoter has developed this project at Maragondanahalli Village, Jigani Hobli, Anekal taluk, Bengaluru rural district.
3. **Brief facts of the complaint are as under:** The complainant herein had booked an apartment bearing no. **A3-14-32** in the project "**GM ABMITIOUS ENCLAVE**" of the respondent by paying booking amount of Rs.50,000/- (Rs. Fifty thousand only) on 16/1/2021 which has been duly acknowledged by the respondent vide receipt dated 16/1/2021. Due to some reasons he wanted to cancel the same and informed the respondent regarding cancellation of the said flat. Next day he again visited their office for the refund of the booking amount but they denied. He again visited their office 2-3 times for the refund but they denied again and behaved unprofessional in this regard. The complainant has approached this Authority seeking relief of refund of booking amount. Hence, this complaint.
4. After registration of the complaint, in pursuance of the notice, the respondent has appeared before this Authority through his counsel on 11/7/2022 but has not contested the matter by filing objections and producing documents on its behalf. But, thereafter the respondent remained absent during the hearings held on 19/9/2022, 7/11/2022 and on 25/11/2022.

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5. In support of his claim, the complainant has produced receipt of payment made to the respondent.
6. This matter was heard on 27/6/2022, 11/7/2022, 26/8/2022, 19/9/2022, 14/10/2022, 7/11/2022 and on 25/11/2022.
7. On the above averments, the following points would arise for my consideration.
8. 1) Whether the complainant is entitled for the relief claimed?  
2) What order?
9. **My answer to the above points is as under:**
  - 1) partly Affirmative
  - 2) As per final order for the following:

**FINDINGS**

10. **My findings on point no.1:** From the payment receipt furnished by the complainant, it is apparent that the complainant had booked a flat in the project "**GM AMBITIOUS ENCLAVE**" by paying booking amount of Rs.50,000/- dated 16/1/2022. Now, he has approached this Authority seeking for refund of said booking amount on the grounds that due to some reasons he had cancelled the booking and informed the same to the respondent on the same day and visited the office of the respondents and requested for refund on booking amount. But, they have denied. Hence, he again visited their office 2-3 times for the refund but they have denied and not behaved properly.
11. Though the respondent has appeared before this Authority through its counsel, it has not contested the matter by filing statement of objections, producing documents etc., on its behalf. The claim of the

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complainant is remained unchallenged. It is apparent from the payment receipt that the complainant has paid an amount of Rs.50,000/- on 16/1/2021 and which has been duly acknowledged by the respondent on 16/1/2021. However, this issue is not related to delay but due to the complainant voluntarily seeking withdrawal of amount. Hence, he can claim that much of the advance amount paid after proper deductions as per their offer letter towards booking of said apartment. Accordingly, the point raised above is answered as partly Affirmative.

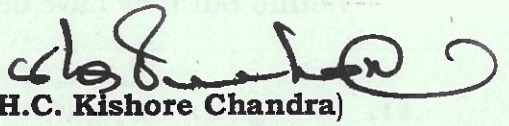
12. **My findings on point no.2:** In view of the above discussion, the complaint deserves to be partly allowed. Hence, I proceed to pass the following:

**ORDER**

In exercise of the powers conferred under section 31 of the Real Estate Regulation and Development) Act, 2016, the complaint bearing No.**CMP/210126/0007500** is hereby partly allowed.

1. The respondent is hereby directed to refund booking amount of Rs.**50,000/-** (Rs. Fifty thousand only) with such deductions as per their company's policy to the complainant **within 60 days** from the date of this order.
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