

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 23RD MARCH 2023

PRESIDED BY MRS.NEELMANI N RAJU, HON'BLE MEMBER

COMPLAINT NO: CMP/UR/191017/0004344

COMPLAINANT.....

**MR. KIRAN KAMPLI
BASAVA KRUPA,
SATYANARAYANPET,
GANGAVATHI-583227.
DISTRICT: KOPPAL**

(IN PERSON)

V/S

RESPONDENT.....

**MAXWORTH REALTY INDIA LIMITED
NO.22/1, RAILWAY PARALLEL ROAD
YAMUNA NAGAR
BENGALURU-560020.**

**(BY MS.B.P. SHOBHA &
MR.K.V. SUBRAMANI, ADVOCATES)**

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J U D G E M E N T

1. The complaint has been filed under section 31 of the RERA Act against the project "**MAX ORCHARDS III**" developed by M/s Maxworth Realty India Limited for the relief of refund with interest.
2. **This project has not been registered under RERA.**

Brief facts of the complaints are as under:-

3. On 13/4/2013 the complainant had booked a plot measuring 30' x 40' (Plot No.258) in the project of the respondent by paying a sum of Rs.2,90,656/- (Rupees Two Lakh Ninety Thousand Six Hundred and Fifty Six only) to the respondent on various dates along with the booking form for which the respondent has issued receipts No.BLR/13-14/0257 dated 13/4/2013; No.BLR/13-14/4644 dated

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11/10/2013 and No.BLR/14-15/1985 dated 11/7/2014. The respondent has failed to complete the project and register the plot in favour of the complainant till date. The complainant also submits that the respondent has not refunded the amount. Thus the complainant has approached this Authority and prays directions to the respondent to refund the entire amount with interest. Hence, this complaint.

4. After registration of the complaint, in pursuance of the notice, the respondent has appeared before the Authority through its counsel but have not filed any objections nor produced any documents on their behalf.
5. In support of his claim, the complainant has uploaded documents such as copies of booking form, payment receipts issued by the respondent to the complainant, statement of account issued by the respondent company and memo of calculation as on 29/09/2022.
6. Heard arguments of both sides.
7. **On the above averments, the following points would arise for my 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.
 2. As per final order for the following

REASONS

9. **My answer to point No.1:-** Admittedly, the complainant has paid Rs.2,90,656/- (Rupees Two Lakh Ninety Thousand Six Hundred and Fifty Six only) to the respondent on various dates. The respondent after receiving the substantial sale consideration amount from the complainant has failed to handover the possession of the plot. There seems to be no possibility of completing the project or handing over



the possession of the plot in the near future. Therefore, the complainant has requested the builder to refund his amount along with interest in the above complaint.

10. From the averments of the complaint and documents furnished by the complainant, it is obvious that the respondent has neither handed over possession of the plot nor refunded the amount to the complainant. During the process of the hearing, the Authority has noticed that though the respondent has appeared before the Authority in response to the summons through its counsel, the respondent has not taken any interest to participate in the proceedings by filing statement of objections and producing documents on his behalf. Though the respondent during the process of the hearing on 8/2/2023 had promised to give the plot and get it registered, chose to remain absent.

11. The complainant has filed memo of calculation as on 16/02/2023 has claimed Rs.5,35,081/- (Rupees Five Lakh Thirty Five Thousand and Eighty One only) as refund with interest. In the absence of any resistance by the respondent side, no option is left to this Authority except to accept the claim of the complainant which remained unchallenged. The respondent has not at all disputed the claim of the complainant in any manner. The relief claimed by the complainant is fully supported with cogent documents.

12. Having regard to all these aspects this Authority concludes that the complainant is entitled for refund of amount with interest as claimed by him vide his memo of calculation as on 16/2/2023 in the above complaint.

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

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Interest Calculation Till 30/04/2017 (Before RERA)					
S.NO	DATE	AMOUNT PAID BY CUSTOMER	NO OF DAYS	NO OF DAYS TILL	INTEREST @9%
1	12-07-2014	2,90,656	1023	30-04-2017	73,316
2				TOTAL INTEREST (I1)	73,316

Interest Calculation From 01/05/2017 (After RERA)							
S.NO	DATE FROM 01/05/2017	AMOUNT PAID BY CUSTOMER	NO OF DAYS	NO OF DAYS TILL	MCLR INTEREST X%	INTEREST RATE X+2%	INTEREST @X+2%
1	01-05-2017	2,90,656	2117	16-02-2023	8.15	10.15 as on 01-05-2017	1,71,109
2	TOTAL AMOUNT	2,90,656				TOTAL INTEREST (I2)	1,71,109

Memo Calculation			
PRINCIPLE AMOUNT (A)	INTEREST (B = I1 + I2 + I3) AS ON 16-02-2023	REFUND FROM PROMOTER (C)	TOTAL BALANCE AMOUNT (A + B - C)
2,90,656	2,44,425	0	5,35,081

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

15. **My answer to point No.2:-** In view of the above discussion, 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/UR/191017/0004344** is hereby allowed. Respondent is directed to pay the amount of


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Rs.5,35,081/- (Rupees Five Lakh Thirty Five Thousand and Eighty One only) towards refund with interest calculated at 9% from 12/07/2014 to 30/04/2017 and MCLR + 2% from 01/05/2017 till 16/02/2023 to the complainant within 60 days from the date of this order. The interest due from 17/02/2023 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.

No order as to the costs.


(Neelmani N Raju)
Member, K-RERA

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