

PROCEEDINGS OF THE AUTHORITY
PRESIDED BY HON'BLE MEMBER G.R. REDDY
BEFORE BENCH 5
COMPLAINT NO: CMP/UR/200530/0005941

DATED THIS 2nd DAY OF MAY, 2023

COMPLAINANT : Mr.Erash Hooda
896/2, Prasad Enclave, AFS Jalahalli
West, Bangalore : 560015
(By Party in Person)

RESPONDENT / : Mr.Taha-CRM
PROMOTER M/s.GM Infinite Dwelling
No.6, GM Peral, BTM Layout, I Stage
I Phase, Bangalore : 560 068
(None represented)

PROJECT NAME & : GM INFINITE ORCHID ENCLAVE
REGISTRATION NO. UN REGISTERED PROJECT

J U D G E M E N T

This complaint is filed under Sec-18 of the Real Estate (Regulation and Development) Act, 2016 before this Authority against the project **GM INFINITE ORCHID ENCLAVE** praying for a direction to Refund the booking amount with Interest.

BRIEF FACTS OF THE COMPLAINT ARE AS UNDER:-

1. As per the details furnished by the Complainant in his complaint, the complainant has booked an Apartment No.14 in 4th floor of Block-A. Later the Respondent is trying to convince the



Complainant to opt for other unit but the Complainant is not ready to take the other unit which is allotted by the Respondent without the consent of the Complainant. The agreement is not signed by both the parties. Hence, the complainant filed a complaint before the Authority seeking for refund of the booking amount together with interest.

2. After registration of the complaint, notice was issued to both complainant and respondent to appear before the authority. In pursuance of the notice, the complainant has appeared in person and filed the memo of calculation for refund with interest together with receipt for having paid the booking amount. The Respondent has not appeared nor filed any objection to the complaint as well as memo of calculation. Since the booking amount of the complainant is only Rs.25,000/- and hence it appears that the respondent is not willing to appear before the Authority to contest the claim. The memo of calculation submitted by the Complainant is taken on record.

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


Memo of Calculation for Refund with Interest submitted by the Complainants as on 26.03.2023

Principle amount (A) Rs.	Interest (B) As on 26.03.2023 Rs.	Refund from Promoter (C) Rs.	Total Balance Amount (A+B) Rs.
25,000	8,974	—	33,974

And accordingly the Authority passes the following:

ORDER

1. In exercise of the powers conferred under Section 18 read with section 18 of the Real Estate (Regulation and Development) Act, 2016, the complaint Bearing No. CMP/UR/200530/0005941 is hereby allowed.
2. Respondent is directed to refund a sum of **Rs. 33,974/- (Rupees Thirty three thousand nine hundred seventy four only)** towards refund with interest to the complainant as per the calculation submitted by the Complainants, within 60 days from the date of this order, calculated from 01/05/2017 till 26.03.2023. The interest due from 27.03.2023 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.


(G.R. REDDY)
MEMBER
FIFTH ADDITIONAL BENCH
K-RERA