

PROCEEDINGS OF THE AUTHORITY
BEFORE BENCH 5

PRESIDED BY HON'BLE MEMBER G.R. REDDY

COMPLAINT NO: CMP/220308/0009085

DATED THIS 07th DAY OF JUNE, 2023

COMPLAINANTS : Mr.S.Narayanamurthy
Flat No.201, Sai Sumukha Apartment
28, 5th Cross, 3rd Main, N.S.Palya,
BTM 2nd Stage, Bengaluru:560 076

(Complainant in Person)

RESPONDENT / : M/s.Green City Constructions Pvt Ltd.
PROMOTER No.1142, 35th C Cross, 26th A Main
Jayanagar, 4th T Block
Bangalore : 560 041

PROJECT NAME & : GREEN CITY EUTOPIA
REGISTRATION NO. PRM/KA/RERA/1251/310/PR/
190809/002754

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 GREEN CITY EUTOPIA praying for a direction to Refund the amount paid with Interest.

BRIEF FACTS OF THE COMPLAINT ARE AS UNDER:-

1. As per the information furnished by the Complainant in memo of calculation for refund with interest and the email correspondence, the complainant during the discussions with the Respondent has chosen to buy 3BHK Apartment in the above project developed by the Respondent requesting to allot either



apartment bearing No.104 east facing or No.114 North facing in the Project referred to above at B-Block. Accordingly the Complainant on 31.3.2019 has paid a sum of Rs.2.0 lakhs being the booking amount to the Respondent. The respondent has acknowledged receipt of Rs.2.0 lakhs paid by the Complainant. When the Complainant visited the office of the Respondent on 3.6.2019 to see the flat No.104 booked by the Complainant and found that the said apartment has already been registered with another party and offered another flat which is higher than the value booked by the complainant, the Complainant expressed his inability to pay more and requested the respondent to refund the booking amount paid by the complainant. Since there was delay of more than two years in refunding the booking amount paid by the complainant and there was no response from the Respondent for the email communication, the complainant has filed the above complaint before the Authority praying for the following reliefs:

Refund of the amount paid together with interest.

2. On a perusal of the documents produced before the Authority by the Complainant, it is evident that the complainant has paid the booking amount and the respondent has acknowledged receipt of the said booking amount, hence this complaint is admissible for relief in accordance with Section 18 of the Act.

3. 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 before the Authority, produced copies of email correspondence, copy of the bank statement and MOC for refund of booking amount with interest. The Respondent has not appeared before the Authority



nor filed any statement of objections, the complainant has prayed for passing an award refunding the amount paid with interest. The complainant has submitted memo of computation of refund with interest and served on the respondent.

5. As per Section 18 of RERA Act, in case the allottee wishes to withdraw from the project the promoter is liable without prejudice to any other remedy available, to return the amount received by him in respect of that apartment, plot, building as the case may be with interest at such rate as may be prescribed in this behalf including compensation in the manner as provided under this Act. Therefore, as per Section 18 of the Act, the promoter is liable to return the amount received along with interest.

6. From the averments made in the complaint it is evident that complainant has paid the booking amount and are entitled to get their amount paid along with interest as per the memo of calculation submitted by the Complainants. The Promoter-Respondent has not submitted any memo of calculation nor disputed the memo of calculation submitted by the Complainant.

7. 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 Complainant as on 24.03.2023

Principle amount (A) Rs.	Interest (B) As on 24.03.2023 Rs.	Refund from Promoter (C) Rs.	Total Balance Amount (A+B) Rs.
2,00,000	85,646	—	2,85,646

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/220308/0009085 is hereby allowed.
2. Respondent is directed to refund a sum of **Rs. 2,85,646/- (Rupees Two lakhs eighty five thousand six hundred forty six only)** towards refund with interest to the complainant within 60 days from the date of this order, calculated from 01-05-2017 till 24.03.2023. The interest due from 25.03.2023 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