

BEFORE ADJUDICATING OFFICER, RERA
BENGALURU, KARNATAKA

Presided by Sri K.PALAKSHAPPA

Adjudicating Officer

Complaint No. CMP/190531/0003107

Dated: 22nd August 2019

Complainant : Akshay R Kulkarni,
9, 1st cross, WIDIYA Layout,
Vijaynagar,
Bengaluru-560040

AND

Opponent : Sobha Limited,
Sarjapur-Marthahalli Outer Ring Road,
Devarabisanahalli,
Bellandur post,
Bengaluru-560103

J U D G M E N T

1. Akshay R Kulkarni, has filed this complaint under Section 31 of RERA Act against the project "Sobha Arena- The Plaza (Block 3)" developed by Sobha Limited bearing Complaint No. CMP/190531/0003107, The prayer is as follows:

Relief Sought from RERA : Refund with interest+compensation(20%)

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22/08/19

2. After issuance of the notice the Complainant was present in person. Sri.Mallikarjuna has appeared on behalf of the developer and filed objections.
3. Heard the arguments.
4. The point that arisen for my consideration was:
Whether the complaint is deserves to be allowed or not?
My answer is affirmatively for the following

REASONS

5. It is admitted fact that the Complainant has paid Rs. 5,00,000/- towards purchase of the flat and he has cancelled the booking and thereby the Developer returned the amount to the Complainant. It was submitted that the amount of Rs. 4,50,000/- was returned to the Complainant on 16/07/2019 to the Complainant and the same was admitted by the Complainant also. But it is the submission of the Complainant that the Developer has not paid the rest of the amount of Rs.50,000/-
6. On going through the Case file it reveals that the Complainant has paid the amount of Rs. 1,00,000/- on 31/07/2018 and Rs. 4,00,000/- on 01/08/2018. It further means that the Developer has taken the benefit of the amount paid by the Complainant. Of course after filing the Complaint on 16/07/2019 the Developer has returned the amount of Rs. 4,50,000/- by deducting Rs. 50,000/- I would like to say that the stand taken by the Developer is not correct, he has returned the amount by deducting Rs. 50,000/- without adding any interest. As per the Agreement the Developer is entitled to deduct Rs.50,000/- towards office expenses but while returning the amount he has to return with interest which was forgotten by the Developer. Therefore I say that the Developer is liable to pay the interest.


22/07/19

7. Before passing the final order I would like to say that as per section 71(2) of RERA the complaint shall be disposed off by the Authority within 60 days from the date of receipt of the complaint. In this case the parties were present on 26/06/2019. Hence, there is a no delay in closing this complaint. with this observation I proceed to pass the following order;

ORDER

The Complaint No. CMP/190531/0003107 is partly allowed.

- a. The developer is hereby directed to pay interest at the rate of 10.75% p.a. on Rs.1,00,000/-and Rs. 4,00,000/- commencing from the date of respective payment till 16/07/2019 .
- b. Further the developer shall also pay Rs. 5000/- as cost of the petition.
- c. Intimate the parties regarding the order.

(Typed as per dictation Corrected, Verified and pronounced on 22/08/ 2019)

(K.Palakshappa)
Adjudicating Officer