

BEFORE ADJUDICATING OFFICER, RERA
BENGALURU, KARNATAKA

K.PALAKSHAPPA Adjudicating Officer
Complaint No. CMP/190426/0002768

Date: 3rd of August 2019

Complainant : Abhishek Kumar Das
3RD Main, 8th Cross, Shiva Reddy
Layout, Naganathapura, E-City-2
Bengaluru -560100

AND

Opponent : S G Bhatath Reddy
#87, 2nd Floor, 3rd Main Road,
Dollars Colony, JP Nagar
4th Phase
Bengaluru, -560078

JUDGMENT

1. Abhishek Kumar Das, complainant under complaint no. CMP/190426/0002768 has filed this complaint under Section 31 of RERA Act against the project "Aryan Golden Arena-D" developed by Aryan Hometec Pvt. Ltd., as the complainant is the consumer in the said project. The complaint is as follows:

Raised a request for the cancellation of a unit at Golden Arena - Aryan Hometec Pvt Ltd on 21st Sept'2018. Till date I have not received my amount which I have paid as a Booking amount - Rs1,46,235/- paid on - 9th August'2018.

Relief Sought from RERA : Looking for my Refund with interest.

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03/08/19

2. In pursuance of the summons issued by this authority on 21/6/2019 the complainant was present. Where as the respondent has appeared through his representative.
3. I have heard the Arguments.
4. The point that arise for my consideration is as to
5. Whether the complainant proves that he is entitled for the relief as prayed in the complaint?
6. My answer is affirmative for the following

REASONS

7. As per the complaint the complainant had paid Rs. 1,46,235/- to the developer and in this regard he has produced the receipts. He also produced the draft of the agreement sale which was not signed by the parties. Later the complainant has cancelled the same for which the developer agreed to same through mail. It is interested to note that a Cheque of Rs.1,46,235/-. Dated 29/12/2018 was issued but the same was dishonoured. It was brought to the notice of the developer even though he failed to repay the same.
8. Therefore the complainant issued mail (2/1/2019) which reads as under:
- This is to inform you that the payment you made to our company Aryan Hometec Pvt. Ltd. Via Cheque for an amount of Rs.1,46,235/- has been returned to us by the bank on grounds of insufficient funds.

- The cheque no.911420 dated 29/12/2018 was not accepted by the bank as your account does not have sufficient balance
- To clear this issue, we would request you to pay us the due amount of Rs 1,46,235 either through NEFT along with bank service charges Rs.196 within the coming 7 days, by the 9th Jan 2019 .

9.The developer has failed to clear the dues. The complainant was forced to approach this authority. More over though the developer has appeared but failed to file any objections. It means the developer has no any defence to say on these allegations. With this observation I hold that the complainant is deserves to be allowed

ORDER

The complaint no. CMP/190426/0002768 is allowed. The developer is directed to refund the amount of Rs.1,46,235/ together with interest @ 10.75% from 09/08/2018 till the realization of entire amount.

The developer is also liable to pay cost of Rs.5,000/-as cost of petition.

Intimate the parties regarding this order.

(This Order is Typed, Verified, Corrected and pronounced on 03/08/2019)

Adjudicating officer
(K.PALAKSHAPPA)