

**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**

Dated 17<sup>th</sup> of July 2019

**COMPLAINANT**

**CMP/180623/0000949**

**ROOPESH KUMAR**

No. 9, Subbaraju Road,  
Maruthi Seva Nagar,  
Bengaluru Urban - 560033.

**VERSUS**

**RESPONDENT**

**DS MAX PROPERTIES,**

No 1854, 17<sup>th</sup> Main,  
30<sup>th</sup> B Cross, 5<sup>th</sup> Block,  
HBR Layout, O R Ring Road,  
Bengaluru Urban - 560043.

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This complaint is filed against the project "DS-Max Sparkle Nest" which is registered with RERA with Registration No. PR/KN/180109/002627.

Mr. Roopesh Kumar in his compliant dated 23/06/2018 has brought to the notice of this Authority, the following facts.

1. That 20 guntas of land in Sy. No. 28/1, K Narayan Pura village, K R puram Hobli, was acquired by BDA and compensation was also paid to the owner.
2. Subsequently that was deleted from BDA, since there was no road, subsequently the land was illegally conducted and sold to DS-Max, the promoter.

## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

### Karnataka Real Estate Regulatory Authority,

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3. That certain people do not have access to the road or access to their share of property.
4. To stop the construction work immediately.

Notices were issued to the respondent on 15/06/2019, the complainant was present. The promoter was represented by his chief financial officer, who submitted that the complainant is an Ex- employee of the promoter and he is not an allottee. The complainant submitted that he has filed the complaint in public interest. The respondent has requested time to file the objections.

The respondent has filed the objections on 24/06/2019 and has stated as under.

1. That the land in Sy. No. 28/1 of K Narayanpura village was acquired. The said acquisition was challenged before the Hon'ble High Court of Karnataka which has quashed the acquisition proceedings. Subsequently, the BDA also issued a de-notification confirming the same. That after due diligence, development work was started in the said land.
2. That the complainant being the ex-employee of DS-Max properties Pvt. Ltd., has been spreading baseless allegations against the company to extort financial concessions.
3. RERA is requested to initiate action against the complainant for giving false and misleading information.

Sec. 31 of the Act empowers any aggrieved person to file a complaint with the Authority for any violation or contravention of the provisions of this Act.

Sec. 2(d) of the Real Estate (Regulation and Development) Act, defines allottee to mean a person to whom a plot, apartment or building has the case may be as been allotted for sold.

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The complainant obviously is not an allottee of the said project. Moreover the complainant has failed to demonstrate as to how he is aggrieved. He has no locus standi to file the said complaint.

Hence in view of the above, the following order is passed.

**ORDER**

The complaint bearing No. **CMP/180623/0000949** is found to be frivolous and not maintainable. Hence it is hereby rejected.

The complainant is at liberty to seek remedy before the proper forum if necessary.

  
(Adoni Syed Saleem)  
Member-2  
KRERA