

BEFORE ADJUDICATING OFFICER, RERA
BENGALURU, KARNATAKA

Presided by Sri K.PALAKSHAPPA

Adjudicating Officer

Complaint No. CMP/190326/0002523

Dated: 12th September 2019

Complainant : Monu Gupta,
No.1, 2nd Floor, Flat No. S-2,
2nd Cross, Ramkka Block,
Chinappa Garden, Benson Town,
Bengaluru-560046

AND

Opponent : B Rajashekar,
1st Floor, No.1, Coles Road,
Frazer Town,
Bengaluru - 560005
Rep. by Smt. Sujatha Advocate

J U D G M E N T

1. This Complaint is filed by the Complainant against the Developer seeking for the relief of delay compensation. The facts of the complaint is as follows:

Dear Sir, I Purchased unit Nov 2016 from elegant investor share seller name : Rajan Kapoor. with due confirmation with Elegant Promoter Name Mr Rajshaker with Assign party agreement signed by both party. And Commitment date of handover was March 2017 with all amenities and infrastructure. Now after two year of due date i do not get any time line for hand over date. As project is register into AERA now time line taken by Builder Dec 2019. At this movement only 5% work is pending and he took time 1 year to hand over. But

after 24 months from due date still i don't know when we will get our flat as you neither Builder is given any date for hand over. Even builder say I don't know you. Who are you. This I have discussed with you and seeking meeting builder along with last 8 months. But unfortunate no response from your end. Till now have been paying Bank loan EMI and my current rent of 16K per month. Now looking at my current financial commitment would be very difficult to manage my current expenses with Rent and EMI.

Relief Sought from RERA : Demand compensation amount of 8 lac Rent & interest

2. After registration of the case notice has been issued to the Respondent but he failed to appear. In view of the same I have heard the case of the complainant.
3. Heard the arguments.
4. The point that arisen for my consideration was:
Is the complainant entitled for delay compensation?

My answer is affirmative for the following;

REASONS

5. By looking into the complaint given by the complainant it is clear that the developer has failed to give the possession by completing the project on time. According to his submission the developer was expected to deliver the possession on or before February 2017. Now he has given the date of completion to RERA as 31/12/2019. But the date given in the agreement was March 2017. Though the developer has appeared through counsel but failed to respond to the same. In the absence of any specific and concrete denial I have to believe the case of the complainant.

[Handwritten signature]
12/01/19

6. Before passing the final order I would say that as per S.71 (2) RERA, the complaint will have to be closed within 60 days from the date of filing. In this case the parties have appeared on 27/06/2019 and as such there is some delay in completing the complaint. Hence I proceed to pass the following;

ORDER

The Complaint No. CMP/190326/0002523 is allowed.

- a. The developer is hereby directed to pay delay compensation in the form of interest on the total sum paid by the complainant commencing from April 2017 @ 2% p.a. above the SBI marginal rate of interest on home loan till the possession is delivered.
- b. Further the developer shall pay Rs. 5000/- as cost.
- c. Intimate the parties regarding this order.

(Typed as per dictation Corrected, Verified and pronounced on 12/09/2019)

(K.Palakshappa)
Adjudicating Officer