

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

ADDITIONAL BENCH NO. 4

ADONI SYED SAJJAD, MEMBER-2

Dated 4th of NOVEMBER 2020

COMPLAINT No's.

1. CMP/171031/0000179

MAHESH M.R.,
209/A, 4th Block, 57th Cross,
Rajajinagar,
Bengaluru – 560010.

2. R SHYAMALA,

1124/3, 2nd Block, 3rd Main,
Vidyaranyapura,
Bengaluru – 560097.

3. CMP/171102/0000184

HARISH KUMAR B.C.,
#2894, 14th Main, 4th Cross,
Rajajinagar 2nd Stage,
Bengaluru – 560010.

....Complainants

VERSUS

**SRI BASAVESHWARA HOUSE BUILDING
CO-OPERATIVE SOCIETY LIMITED,**

#159/J, 4th Main Road,
3rd Stage, 3rd Block,
Basaveshwaranagar,
Bengaluru – 560079.

....Respondent



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

These complaints are filed against the **"SRI BASAVESHWARA HOUSE BUILDING CO-OPERATIVE SOCIETY LIMITED"** Bengaluru.

Mr. M.P. Mahesh, the complainant has submitted as under:-

- (i) That he is a member of the said society and learnt from the advertisement that the cost of the site is fixed at Rs. 660 per square feet. The BMRDA had approved the layout on 21/06/2011.
- (ii) It was promised to complete the development within 9 months. He became a member of the society with an intention to obtain a site in Basaveshwara Layout, Nelamangala Town, Bakthanapalya Village and he paid the entire cost of Rs. 7,92,000/-.
- (iii) Thereafter the respondent demanded additional Rs. 140 per square feet to be paid.
- (iv) That the mandatory disclosures, the requirement of deposit of 70% of the amount as stipulated under the Real Estate (Regulation and Development) Act, 2016, as not been followed.
- (v) That the respondent has not refunded the amount paid along with interest.
- (vi) Direction may be issued by this Authority to register the site to the complainant.

The complainant R. Shyamala has submitted as under:-

- (i) That she paid the full amount of Rs. 9,90,000/- on 27/06/2013 for the unreleased / undeveloped sites bearing No. 197.



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

- (ii) Though the society had promised to register the site within 15 days which is not yet done. That the society after its 10th Annual General Body Meeting held on 24/09/2017 issued a notice asking her to pay the difference of Rs. 140 per square feet. The general body meeting is conducted and signatures obtained by manipulating the proceedings.
- (iii) The respondent can collect additionally Rs. 25 per square feet only and get the site registered.

Mr. Harish Kumar B.C has similarly made the following allegations against the respondent.

- (i) That the value of the site was fixed at Rs. 660 per square feet and accordingly he paid the total cost of the site (30*40) of Rs. 7,92,000/-.
- (ii) Subsequently the respondent sent a notice asking him to pay additionally Rs. 140 per square feet.
- (iii) Since he paid the entire cost as per the letter of allotment, directions may be issued to the respondent to get the site registered.

Notices were issued and an enquiry conducted.

Sri. N. Ramachandra, Advocate has filed vakalat on behalf of the respondent society. He has also filed written statement of objections. The objections in brief is as under:-

1. That the respondent society entered into an MOU with Mr. Krishna Swamy, a developer on 05/02/2009. Since there was escalation in the cost of development, the allottees concerned were informed to pay additionally Rs. 140 per square feet.



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

2. That the layout was approved by the Nelamanagala Planning Authority on 21/06/2011. Out of the 171 sites formed, 163 allottees had expressed willingness to purchase and sale deeds have been registered in favour of 122 members.
3. That the respondent has surrendered civic amenity area, road and park vide relinquishment deed dated 18/11/2011.
4. That 60% of the plots sale deed has been registered.
5. In view of the above, the project is exempted from registration.

Heard both the sides and perused the records. It is seen that Mr. M. P. Mahesh has been allotted a site bearing No. 110 measuring 30*40 on 27/01/2012 and similarly Mr. Harish Kumar B. C has also been allotted a site bearing No. 14 measuring 30*40 on 18/01/2012. Mrs. R. Shyamala though has paid Rs. 9,90,000/-, the respondent has neither allotted a site nor refunded her amount.

Rule 4(1)(i) of the Real Estate (Regulation and Development) Rules, 2017, exempts the projects from registration under the provisions of the Act where "the streets and civic amenities sites and other services have been handed over to the local authority and planning authority for maintenance." As seen from the records the respondent society has relinquished civic amenity area reserved for the parks and roads vide relinquishment deed bearing No. 968/2011-12 registered in the office of the sub-registrar, Madanayanaka Halli, Bengaluru on 20/06/2011. Hence as claimed by the respondents, the layout in question is exempted from registration under the provisions of the Act. Hence the following order.



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

ORDER

The project of the respondent is hereby exempted from registration under the provisions of the Act in view of Rule 4 (1)(i) of the Real Estate (Regulation and Development) Rules, 2017.

However the complaints bearing No. CMP/171031/0000179 and CMP/171102/0000184 are allowed.

In the interest of justice and equity the respondents are hereby directed

1. To provide sites as per the allotment letters in case of M.P. Mahesh and Harish Kumar B.C.
2. To consider the application filed by R. Shyamala for the purpose of allotment of site.



(Adoni Syed Saleem)

Member-2

KRERA

NOT AN OFFICIAL COPY