

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 30<sup>th</sup> of August 2019

**COMPLAINT No. CMP/170727/0451665**

**ANAND PANICKER**

**....Complainant**

No. 1211, 23<sup>rd</sup> Cross, 2<sup>nd</sup> Block,  
Rajajinagar,  
Bengaluru Urban - 560010.

**VERSUS**

**ADITHYAN BAJAJ, Head CRM**

**....Respondent**

Patel Realty India Limited,  
(Now called as Patel Engineering Limited,  
Patel Estate, SV Road, Jogeshwari (West),  
Mumbai - 400102 and at No. 105/106 north wing,  
Raheja Chambers, Museum Road,  
Bengaluru - 560001).

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This is a complaint filed against the respondent with respect to the unregistered project "SMONDO-3", situated at Neo Town, Electronic City Phase -1, Bangalore Zone 3, Bomanahalli Bengaluru - 560100.

The complaint in brief is that the said project started in October 2010 and as per the agreement the promised delivery date was May 2013. The possession of the flat is not yet given. G Block where the apartment is booked has structural leakages leading to leaks across apartment, fungi infection, non functional lifts, and leak marks. The complainant has further stated

*Umsand*  
3/9/2019



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that, no khata certificate is issued and no BESCOM connection nor water supply is available. Requested for full refund with 18% penal interest.

Notices were issued to the respondent. On 15/04/2019, Mr. M Vishwa Prasad, the Authorized representative of the respondents has appeared and submitted that the said project was completed in 2015. And hence does not come under the preview of the Real Estate Regulatory Authority. He further requested for time to file the written objections.

On 03/05/2019, the respondent representative is present and has filed written objections and also filed a completion certificate dated 26/03/2015 issued by the Development Officer and Executive Engineer, KIADB, Bengaluru. In view of these the case has to be closed.

The case was once again posted to 06/08/2019, Mr. Vishwa Prasad the representative of the respondent was present and submitted that the possession of the apartment was given to the complainant and in turn he has assigned / sold the same to one Mr. Chandrashekar and Mrs. Saroja. The representative of the respondent further submitted that all the apartments were sold and the association of allottees has been formed and hence the project does not come under the jurisdiction of the RERA.

Following facts are brought to the notice of this Authority vide its written objections dated 03/05/2019.

- (i) That the complaint is frivolous and is not maintainable.
- (ii) That the complainant has received the possession and in turn has assigned the same vide assignment deed dated 07/06/2018 and registered sale deed No. 2801/18-19, dated 07/06/2018.
- (iii) Hence the complaint is fit to be rejected.

Heard the respondent and also perused the records.

*[Signature]*  
3/9/2019



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It is seen from the records, that apartment bearing No. G0502, 5<sup>th</sup> Floor of G wing forming part of the building "SMONDO 3.0" acquired by the complainant under agreement of sale dated 28/05/2011, has been assigned in favour of R. Chandrashekar and his wife Mrs. Saroja T.R, vide assignment deed dated 07/06/2018: Subsequently on the same date the sale deed of the said apartment has been registered by the complainant in favour of the assignees vide document No. BNG(U)BSK2801/18-19, dated 07/06/2018. The possession of the apartment has been received by the purchasers as evidenced from page 11 of the sale deed. The fact of the subsequent purchasers receiving possession of the property is confirmed by a letter issued by the respondent.

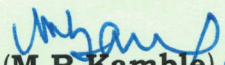
The respondent has not registered the project namely SMONDO - 3 under the provisions of the Act as the completion certificate was issued by the competent Authority in 2015, that is well before the Real Estate (Regulation and Development) Act, 2016 came into force. Though the project is exempted from registration, nevertheless other provisions of the Act binds the promoter.

But herein the complainant has not made out a case for this Authority to invoke the provisions of the Act.

In view of the above, following order is passed.

### **ORDER**

The complainant has no locus standi to file the complaint. Hence the complaint bearing No. **CMP/170727/0451665** is hereby rejected as not maintainable.

  
(M.R. Kamble) 3/9/2018  
Chairman  
KRERA