

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 13<sup>th</sup> of February 2020

**Complaint No. CMP/180728/0001087**

**R SANTOSH KUMAR**

No. A-2/403, Tungabadhra Block,  
NGV, Koramangala,  
Bengaluru Urban – 560047.

.....Complainant

AND

**NITESH ESTATES LIMITED**

Level 7, Nitesh Timesquare,  
No. 8, MG Road,  
Bengaluru Urban – 560001.

.....Respondent

\*\*\*\*\*

This complaint has been filed against the project 'Nitesh Chelsea' belonging to the above said promoter. In his complaint dated 28/07/2018 the complainant has alleged "as the respondent failed to start the project, request for refund of booking amount of Rs. 2,00,000/- with interest.

Notice was issued to the respondent and replies dated 18/08/2018 and 11/02/2020 has been filed on behalf of the respondent.

In its reply dated 18/08/2018 the promoter has stated that all the units in the proposed building are to be given on leave cum license / rent purposes only and the promoter is not going to sell any of the units. Further the promoter has stated that in view of the same Section

*[Signature]*  
13/2/20

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

3 of the Real Estate (Regulation and Development) Act, 2016 is not applicable and hence the project was not registered.

In its written objections dated 11/02/2020, the respondent has further submitted as under:-

- (i) That the proposed project namely Nitesh Chelsea did not takeoff. The complainant had booked during pre launch period by paying an advance amount of Rs. 2,00,000/-. It was agreed to by the complainant that in case the project is not commenced due to insufficient demand, the advance amount will be returned without interest.
- (ii) Since there was no sufficient response to the proposed project, the respondent did not move forward and did not get any kind of statutory approvals from any Authority.
- (iii) Hence the respondent has requested for the dismissal of the complaint.

It is an admitted fact that the complainant had paid Rs. 2,00,000/- as advance for a unit in Nitesh Chelsea. It is an admitted fact that the project did not takeoff. In such a case it is but natural for the respondent to return the amount of advance.

In view of the above, following order is passed.

**ORDER**

The complaint bearing No.  
CMP/180728/0001087 is hereby allowed  
under Section 18 read with 31 of the Real

*[Handwritten signature]*  
13/2/20



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

Estate (Regulation and Development) Act,  
2016.

The respondent is hereby directed to  
return the advance amount of Rs.  
2,00,000/- along with

- (i) Interest at the rate of 9% per  
annum from the date of  
payment till 31/04/2017 and
- (ii) Interest at the rate of 10.75%  
per annum from 01/05/2017  
till the date of refund.

  
(Adoni Syed Saleem)  
Member - 2  
KRERA



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ Cmp.No. 1087

ಪುಟ ಸಂಖ್ಯೆ .....

ವಿಷಯ R. Santosh Kumar

Nitesh Estates Limited.

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

**CMP-1087**

**11.03.2022**

As per the oral request of Sri. Harish Kumar, Authorized person of the respondent in the above case in connection with execution proceedings is taken-up for amicable settlement, in the National Lok Adalat to be held on 12.03.2022.

Sri. Harish Kumar, Authorized person of the respondent and the complainant, in the pre-Lok-Adalat sitting held on 11.03.2022, settled the matter in connection with execution proceedings in the above case in terms of joint memo dated:28.02.2022. The settlement entered between the parties is voluntary and legal one and as per which the complainant has no further claim against the respondent whatsoever with regard to execution proceedings in the above case. The settlement is accepted and consequently the execution proceedings in the above case have been closed as settled between the parties in terms of above joint memo. For consideration of joint memo and award, matter is referred to Lok-Adalat to be held on 12.03.2022.

*Harish Kumar*  
Authorized Signatory  
of O.P

*[Signature]*  
Judicial Conciliator.

*[Signature]* A.K.  
Advocate Conciliator.



**KARNATAKA AT BANGALORE**

**CMP/180728/0001087**

**BETWEEN:**

**Mr. R. Santhosh Kumar,**  
No A4/610, Malaprabha Block,  
NGV Housing Complex,  
Koramangla,  
Bangalore - 560 034.

....Complainant

**AND:**

**NEL Holdings South Private Limited,**  
**(formerly known Nitesh Estates Limited)**  
No. 110, Level 1, Andrews Building,  
M.G Road, Bengaluru - 560 001

....Opposite Party

**JOINT MEMO**

6.11/3 The Complainant herein has filed the above mentioned Complaint before this Hon'ble Court seeking refund of booking amount /advance amount.

Subsequently, both Complainant and Opposite Party discussed between themselves with the spirit of arriving at an amicable resolution. After discussing all the issues and disputes, both parties have arrived at an amicable settlement.

Both parties, have now, vide Memorandum of Settlement dated 2nd December 2020 resolved and settled all the disputes and issues, and signed the Memorandum of Settlement.

As per the terms of the above mentioned MOS, no claims, differences and/or disputes are pending between the Parties and no further claims or disputes will be raised by either party in connection with the issues arising in the present Complaint.

*R. Santhosh Kumar*

For NEL Holdings South Limited

*W. Anish Kumar*  
Authorised Signatory



In view of the abovementioned Memorandum of Settlement dated 2nd December 2020 arrived at between the parties, the Complainants request this Hon'ble RERA to record the above mentioned Memorandum of Settlement dated 2nd December 2020 and dispose of the Complaint as withdrawn.

Dated: 28/02/2022

Place: Bangalore

  
COMPLAINANT

For NEL Holdings South Limited

  
Authorised Signatory  
OPPOSITE PARTY



**CMP No: 1087**

**12.03.2022**

**Before the Lok-Adalath**

The case taken up before the Lok-Adalat. The joint memo filed by the parties is hereby accepted. Hence, the matter settled before the Lok-Adalat in connection with execution proceedings as per joint memo.

The execution proceedings in the above case stands disposed off as closed accordingly.

  
Judicial Conciliator.

  
Advocate Conciliator.