

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
Karnataka Real Estate Regulatory Authority, Bengaluru
ನಂ: 1/14, ನೆಲಮಹಡಿ, ಸಿಲ್ವರ್ ಜ್ಯೂಬಿಲಿ ಬ್ಲಾಕ್, ಯುನಿಟಿ ಬಿಲ್ಡಿಂಗ್ ಹಿಂಭಾಗ, ಸಿ.ಎಸ್.ಐ.ಕಾಂಪೌಂಡ್,
3ನೇ ಕ್ರಾಸ್, ಮಿಷನ್ ರಸ್ತೆ, ಬೆಂಗಳೂರು-560027.

BEFORE ADJUDICATING OFFICER, RERA
BENGALURU, KARNATAKA
Presided by Sri K Palakshappa
Adjudicating Officer

Date: 16th January 2020

Complaint No.	CMP/190906/0004027
Complainant	Sumeet Kumar Ashok Sethi G15, Saurabh Building, Seven Bunglow Maharashtra-400053
Opponent	M/s Sanchaya Land And Estate Pvt. Ltd., 479 HMT Layout, R.T.Nagar Near R.T.Nagar Bus DeBangalore-560 032

J U D G E M E N T

1. Sumeet Kumar Ashok Sethi, being the Complainant filed his complaint bearing no. CMP/190906/0004027 under Section 31 of RERA Act against the project "Indya Estates" developed by Sanchaya Land & Estate Pvt. Ltd., as he is the consumer in the said project.
2. In pursuance of the notice issued by this authority, complainant was present through his father by authority letter. The developer has failed to appear and as such I have heard the arguments of the complainant and posted for the orders on merits.

[Handwritten signature]
16/01/2020

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3. The point that arisen for my consideration was:
- Is the complainant entitled for the relief?
 - My answer is affirmative for the following

REASONS

4. This complaint has been filed by the complainant against the Developer seeking for refund of amount paid by him. The booking form was signed by the complainant. But, as he is in abroad he has given power of attorney to his father. The complainant has booked the flat bearing No.D702 in the year 2013 wherein the Developer has agreed to complete the project in the year 2016, but it is not materialised. Therefore, the complainant has filed this complaint seeking for refund of the amount paid by him. The complainant has produced the receipts for having paid the amount. According to the complainant, he has made self payments of Rs.7,96,077/- whereas HDFC Bank has released loan amount of Rs.5,08,800/-. The evidence given by the complainant has not been properly addressed by the Developer, because the Developer remained absent. The complainant has produced sufficient documents to believe his case. Therefore, the complaint is allowed by directing the Developer to refund amount with interest as per Rule 16.
5. 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 complaint was filed on 6/09/2019. 60 days be computed from the date of appearance of the parties. Accordingly in this case the complainant was present on 6/11/2019 but the developer has not at all appeared and hence the question of delay does not arise. With this observation I proceed to pass following order.

Peru
16/11/2019

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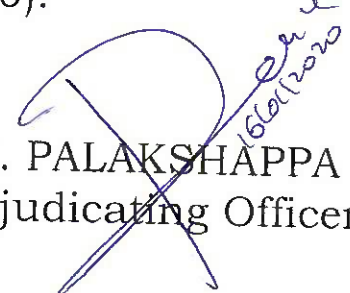
ORDER

The Complaint filed by the complainant bearing No. CMP/190906/0004027 is allowed.

- The developer is directed to return Rs. 7,96,077/- to the complainant with interest @9%p.a. on the respective amount paid on the respective date till 30/04/2017 and @2% above the MCLR of SBI commencing from 1.5.2017 till realization.
- The developer is here by directed to discharge the loan amount with its interest, EMI if due EMI if paid by the complainant and any other statutory charges.
- The complainant is hereby directed to execute the cancellation of Agreement Of Sale after the entire amount is discharged.
- Further the developer shall also pay Rs. 5,000/- as cost of the petition.

Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 16/01/2020).


K. PALAKSHAPPA
(Adjudicating Officer)

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