

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

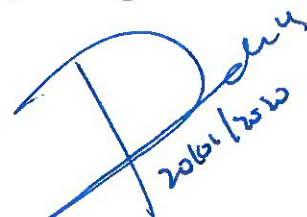
Date: 20th January 2020

Complaint No.	CMP/190923/0004277
Complainant	DEBABRATA PATI A104, SLV Greens Belathur Main Road Kadugodi, Whitefield Bangalore-560067
Opponent	Sobha Limited Sarjapur-Marthahalli Outer Ring Road, Bellandur Post Bangalore-560103 Rep. by Sri Kumaraswamy MAdvocate

“J U D G E M E N T”

1. DEBABRATA PATI, Complainant has filed complaint bearing complaint no.CMP/190923/0004277 under Section 31 of RERA Act against the project ‘Sobha Lake Gardens Phase 1’ developed by “Sobha Limited” with a prayer to refund the amount, as the complainant is the consumer in the said project. The complaint is as follows:

I had booked N7034 on July 1st 2018 after giving a token amount of Rs.2 lacs. I had not paid the full booking amount as my intention was to pay the Expression of interest amount. However, booking was made which I


20/01/2020

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Karnataka Real Estate Regulatory Authority, Bengaluru
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had cancelled within 15 days on 11th July 2018. From that day till today after numerous visit to Sobha office and numerous emails I have not received back my refund. I have approached many officials in Sobha but no one is interested in giving me the refund. Sale agreement has not been made.

Relief Sought from RERA : Refund from sobha along with interest.

2. In pursuance of the summons issued by this authority, the complainant has appeared and the respondent appeared through his counsel Sri M.Kumaraswamy and filed memo stating that he has returned Rs.1,50,000/- to the complainant by deducting Rs.50,000/- towards administrative charges.

3. Heard the argument on both sides.

4. The points that arise for consideration is as to:

Whether the complainant is entitled for
The relief?

5. My answer is affirmative for the following

REASONS

6. Repayment of Rs.1,50,000/- made by the developer proves to hold transaction. The complainant paid Rs.2 lakhs as advance amount in the month of July 2018, but within 15 days he has cancelled the booking. It is his submission that the developer has promised him to refund the amount. But as the developer has failed to make payment, hence he has filed this complaint.

7. The developer has returned Rs.1,50,000/- on 07.11.2019. At the time of argument, it is submitted that the complainant has cancelled booking within 15 days without any good reasons. In

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view of the booking made by the complainant, the said flat was blocked and the developer was not able to enter into contact with any other persons. Therefore, he has deducted Rs.50,000/- as per book form and returned the amount. There are no good reasons to say that the developer cannot deduct amount. The complainant submits that he is in need of Rs.50,000/-. but it is practice among business bound to deduct the amount in case there is cancellation of the booking. But it is the case of the complainant that two types of deductions can not be adopted by the developer. I find some force in his submission since the developer has deducted Rs.50,000/- as penal then he cannot return the amount without any interest. Therefore, I would say that, the complainant is entitled for interest on the sum of Rs. 1,50,000/- from the date of the payment to the developer till the return.

8. As per S.71 (2) RERA, the complaint has to be closed within 60 days from the date of filing. In this case the complaint was filed on 23/09/2019. 60 days be computed from the date of appearance of the parties. In the present case, the parties were present on 17/10/2019. Hence, the complaint is being disposed of with little delay. With this observation I proceed to pass following order

ORDER

- a. The Complaint filed by the complainant bearing No.CMP/190923/0004277 is hereby allowed in part.
- b. The developer is hereby directed to pay interest on Rs.1,50,000/- from 1.07.2018 till 7.11.2019.

Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 20/1/2020).

K. PALAKSHAPPA
Adjudicating Officer

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ಕಡತದ ಸಂಖ್ಯೆ Comp. No: 4277

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ Debabrat Pati

Sobha Lake Gardens Phase-1

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

CMP- 4277

17.10.2022

The execution proceeding in the above case is taken-up for disposal in then National Lok Adalat.

The authorised person of the respondent present and the complainant Sri. Debabrata Pati joined over phone call in pre Lok Adalat sitting held on 17.10.2022 and he has reported that the respondent/developer has complied the order passed in the above case. Therefore in view of the submission of the complainant, the execution proceedings in the above case have been closed as settled between the parties in the Lok Adalat. The conciliators to pass award.

17/10/22
Judicial Conciliator.

17/10/22
Advocate Conciliator.

CMP - 4277

12.11.2022

Before the Lok-Adalath

The execution proceedings in the above case taken up before the Lok-Adalat. The execution proceedings in the above case have been settled in pre Lok Adalat sitting held on 17.10.2022. Hence, the execution proceedings in the above case stands disposed off as settled and closed in the Lok Adalat.


Judicial Conciliator.


Advocate Conciliator.

KARNATAKA STATE LEGAL SERVICES AUTHORITY

BEFORE THE LOK ADALAT

**IN THE KARNATAKA REAL ESTATE REGULATORY AUTHORITY AT
BENGALURU**

DATED: 12TH DAY OF NOVEMBER 2022

: CONCILIATORS PRESENT:

Sri: I. F. Bidari

..... Judicial Conciliator

AND

Smt. Preethi N

..... Advocate conciliator

COMPLAINT NO: CMP/190923/0004277

Between

Mr. Debabrata Pati

..... Complainant

AND

M/s. Sobha Limited.,
(Authorised Person)

.....Respondent

Award

The dispute between the parties with regard to execution proceedings having been referred for determination to the Lok Adalat and the parties having compromised/settled the matter, complainant joined over phone call during the pre Lok Adalat sitting on dated:17.10.2022, same is accepted. The settlement entered between the parties is voluntary and legal one. The execution proceedings in the above case have been closed as settled between the parties.


Judicial conciliator


Advocate conciliator