

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: 21st JANUARY 2020

Complaint No.	CMP/190924/0004298
Complainant :	MONARK SAXENA Flat No.1, First Floor Mahalaxmi Apartment Gumanpura, KotaKota District Rajasthan-324007 Rep. by: Sri Rajesh P, Advocate
Opponent :	Vijicon Properties 88, First Floor, 17 th Cross 14 th Main, HSR Layout Sector IV, Bengaluru-560102 Rep. by: Sri Akshay L, Advocate

"J U D G E M E N T"

1. MONARK SAXENA, Complainant has filed complaint bearing complaint No.CMP/190924/0004298 under Section 31 of RERA Act against the project 'VIVANSAA AURIGAA' developed by "VIJICON PROMOTERS" as the complainant is the consumer in the said project. The complaint is as follows:

It is submitted that, the respondent Nos.1 to 3 are the absolute owners of the all piece and parcel of residentially converted and bearing Sy.No.36/6 & 36/7 measuring to an extent of 31 guntas

24/6/2020

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
Karnataka Real Estate Regulatory Authority, Bengaluru
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*situated at Chambenahalli village, Sarjapura Hobli, Anekal Taluk,
Bangalore Urban District.*

Relief sought from REFA: compensation for the delay and OC

2. In pursuance of the summons issued by this authority, the complainant has appeared through his advocate Sri Rajesh P, whereas the developer has appeared through his advocate Sri Akshay, but the developer has not filed objections.
3. I have heard arguments of the complainant and posted the matter for judgment.
4. The point that arise for consideration is as to:
Whether the complainant is entitled for relief as sought in the complaint?
5. My answer is affirmative for the following

REASONS

6. The complainant has booked flat bearing No.404 B-wing and entered into agreement with the developer on 27/07/2015. The developer has agreed to complete the project on or before April 2017 including the grace period. It is the case of the complainant that till today the project has not been completed, therefore, delay compensation has to be awarded.
7. The case made by the complainant has not been denied by the other side. As per Sec.18 of the RERA Act, the developer is liable to pay delay compensation when there is default on the part of the developer to complete the project. Hence, the complaint has to be allowed.

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8. Before passing the final order I would like to say that as per section 71(2) of RERA the complaint shall be disposed off by the Authority within 60 days from the date of receipt of the complaint. In this case the parties appeared on 17/10/2019 and case is being disposed off on today with some delay. With this observation, I pass the following

ORDER

- a. The Complaint filed by the complainant bearing No. CMP/190924/0004298 is hereby allowed.
- b. The developer is hereby directed pay delay compensation @ 2% above the MCLR of SBI on the total amount paid by the complainant commencing from May 2017 till possession is delivered after receipt of the Occupancy certificate.
- c. The developer is hereby directed to pay Rs.5,000/- as cost of the petition.

Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 21/01/2020).


K. PALAKSHAPPA
Adjudicating Officer

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