

ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

Real Estate Regulatory Authority Bangalore

ನಂ:1/14, ನೆಲ ಮಹಡಿ, ಸಿಲ್ವರ್ ಜ್ಯೂಬಿಲಿ ಬ್ಲಾಕ್, ಯುನಿಟಿ ಬಿಲ್ಡಿಂಗ್,  
ಸಿ.ಎಸ್.ಐ.ಕಾಂಪೌಂಡ್, 3ನೇ ಕ್ರಾಸ್, ಮಿಷನ್‌ರಸ್ತೆ, ಬೆಂಗಳೂರು-560027

**BEFORE ADJUDICATING OFFICER, RERA**

**BENGALURU, KARNATAKA**

**Presided by Sri K PALAKSHAPPA**

**Adjudicating Officer**

**Date: 7<sup>th</sup> FEBRUARY 2020**

<b><u>Complaint No.</u></b>	<b><u>CMP/190721/0003670</u></b>
Complainant	NINA NAGPAL 119, 3 <sup>RD</sup> Main, Austin Town Layout Bengaluru-560047
Opponent	Mantri Webcity 3 Mantri Developer Mantri House, 41 Vittal Mallya Road Bengaluru-560001. Rep.by: Shri. Sunil P Prasad Advocate.

### **J U D G E M E N T**

1. Nina Nagpal has filed this complaint under Section 31 of RERA Act against the project "Mantri Webcity 3A" developed by Mantri Developer Pvt.Ltd., bearing Complaint no. CMP/190721/0003670. The facts of the complaint is as follows:

As a purchaser I was forced to cancel my unit W 902 which I had booked on 21 October 2017, on account of Mantri Developers altering and misrepresenting the financial terms of the allotment. They are now refusing to refund the booking amount of 2 lakhs.

Relief Sought from RERA : Yes

*Signature*  
10/02/2020

ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

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2. In pursuance of the notice issued by the authority, the complainant has appeared through her husband whereas the developer has appeared through his advocate Sri Sunil P.Prasad. The developer has failed to file the objection statement.

3. Therefore, I have heard the arguments of the complainant and posted the matter for judgment.

4. The point that arise for my consideration is:

1. Whether the complainant is entitled for the Refund of the amount?  
If so, what is the order?

5. My answer to the above points are affirmative for the following

**REASONS**

6. It is the case of the complainant that he had paid Rs.2 lakhs to the developer towards purchase flat bearing No.W902 and booked the flat on 21/10/2017. He is alleged that on account of misrepresenting on financial terms he has demanded to return the amount. It is his further allegation that till the date of complaint the developer failed to return the amount, hence this complaint. Though the developer has appeared through his advocate but failed to contest the matter.

*[Handwritten signature]*  
07/02/2020

ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

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7. The complainant has produced the allotment letter and the cheque to prove the transaction. The developer has not at all denied the case of the complainant and hence I find no good reasons to dismiss the case of the complainant. At the same time I would like to say that the complainant has to give any detailed reasons for his withdrawal. By keeping it in mind now I am going to allow this complaint in part.
8. AS per S.71(2) REEA, the complaint shall be closed within 60 days from the date of filing. In this case the Complaint was presented on 21/07/2019. As per the SOP, 60 days are computed from the date of appearance of parties. In this case the parties have appeared on 20/09/2019. Hence, there is some delay in closing the complaint. With this observation I proceed to pass the order.

**ORDER**

The Complaint No. CMP/190721/0003670 is allowed.

- The developer is hereby directed to return the amount of Rs.2 lakhs to the complainant within 30 days from today.
  - If not, the said amount will carry interest @ 2% above MCLR of SBI commencing from 31<sup>st</sup> day till the realisation of entire amount.
  - The developer shall pay Rs.5,000/- as cost of this petition.
- Intimate the parties regarding this order.

(Typed as per dictation Corrected, Verified and pronounced on 07/02/2020)

(K.PALAKSHAPPA)  
Adjudicating Officer  
07/02/2020

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