

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

Karnataka Real Estate Regulatory Authority Bangalore

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

BEFORE ADJUDICATING OFFICER, RERA

BENGALURU, KARNATAKA

Presided by Sri K PALAKSHAPPA

Adjudicating Officer

Date: 17th February 2020

Complaint No.	CMP/191020/0004518
Complainant	Venkatraman B 612, 1 st Cross, KN Extn.,Yeshwanthpur Bengaluru-560022
Opponent	Mantri Technology Constellations Pvt. Ltd., Mantri House, #41, Vittal Mallya Road Bengaluru-560001 Rep.by Sri Sunil S. Prasad Advocate

"J U D G E M E N T"

1. Venkatraman B, Complainant has filed this complaint bearing complaint no. CMP/191020/0004518 under Section 31 of RERA Act against the project "Mantri Manyata Lithos" developed by ' .,' seeking for refund of the amount, as the complainant is the consumer in the said project. The complaint is as follows:

I paid Rs.1,00,000/- as booking amount for flat E1301 at Mantri Lithos on 13-6-19. Not only is the promoter unable to allot the same flat but the project is not RERA compliant. Also no sale agreement has been signed even after 4 months.

Relief Sought from RERA :Refund of booking amount with interest

2. In pursuance of the notice issued by this authority, complainant was present in person and on behalf of the respondent Sri Sunil P.Prasad, Advocate appeared and filed vakalath, but failed to file objections.

[Signature]
17/02/2020

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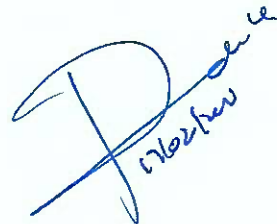
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3. In view of non filing of the objections I have heard the arguments of the complainant and posted the matter for judgment.
4. The points that arise for consideration are:
Whether the complainant is entitled for the relief as sought in the complaint?
If so, what is the order?
5. My answer to the above point is in the affirmative for the following

REASONS

6. The complainant is the consumer and the developer who has entered into agreement of sale where he has agreed to hand over the flat by August 2018. It is well settled principle of law that, as per Sec.18 in case the developer has failed to complete the project within the time line given in the agreement then the consumer is entitled either for delay compensation or for refund of the amount. The complainant has paid Rs.1,00,000/- as booking amount towards purchase of flat bearing No.E1301 on 13/06/2019 but, now the present complaint is filed for refund of the amount on the ground that no agreement was signed even after lapse of four months. Further it is alleged that the developer has failed to allot the flat which was agreed to allot to him. The complainant has produced receipts for having paid amount of Rs.1,00,000/- to the developer. Of course, this complaint is filed within four months from the date of booking of his flat. The developer has not filed any objections. The receipts given by the developer proves the transaction. Therefore, I find no good reasons to dismiss the complaint.



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7. 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. The said 60 days be computed from the date of appearance of the parties. This complaint was filed on 20/10/2019. In this case the parties were present on 03/12/2019 and as such there is a little delay in closing this complaint. Hence, I proceed to pass the following.

ORDER

The Complaint filed by the complainant bearing No. CMP/191020/0004518 is allowed.

The developer is hereby directed to return Rs.1,00,000/- to the complainant along with interest @ 2% per annum above the MCLR of SBI commencing from today till the entire amount is realised.

Further the developer shall also pay Rs. 5000/- as cost of the petition.

Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 17/02/2020).

(K.Palakshappa)
Adjudicating Officer
17/02/2020

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