

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 PAKSHAPPA**

**Adjudicating Officer**

**Date: 3<sup>rd</sup> March 2020**

<b>Complaint No.</b>	<b>CMP/UR/190813/0003880</b>
<b>Complainant</b>	Bharati Rudrappa Naragund, 110, RMV Clusters, Phase I, Lottegollahalli Bengaluru-560094
<b>Opponent</b>	Sukesh Jain, GM Ambitious Enclave, Electronic City Phase I, GM Neo Town, Next to GM Mall Bengaluru-560100.

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

1. Bharati Rudrappa Naragund, the complainant has filed this complaint no. CMP/UR/190813/0003880 under Section 31 of RERA Act against the project "GM Infinite Ambitions Enclave" developed by 'Allam Infinite India Pvt.Ltd.,' as she is the consumer in the said project seeking for the relief of refund of amount.
2. After registering the case, notice has been issued to the parties, the complainant has appeared in person, whereas the respondent not at all appeared and not filed any objections.
3. Heard arguments of the complainant and posted the mater for judgment.

*Dr. S. S. S. S. S.*

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4. The point that arise for my consideration is
- a. Whether the complainant proves that she is entitled for the relief of refund of her amount?
  - b. If so, what is the order?
5. My answer is affirmative for the following

**REASONS**

6. This complaint has been filed by the complainant Bharati Rudrappa Naragind seeking for the relief of refund of amount paid to the developer. It is the case of the complainant that she has paid Rs.4,10,000/- to the developer towards purchase of flat bearing No.32-09-15. It is the case of the complainant that after booking the flat, she did not receive any information from the developer, therefore she requested for cancellation of flat. In this regard, the complainant has said as under:

*"I have received a surprise phone call from (person named Sri Nishanth) the Builder's office on a Saturday at around 5.30 pm (within 10 days from the date of deposit of advance) asking me to come to the Sub-registrar office, M.G.Road, Bangalore, within next 30 minutes i.e., around 6 pm on the same day to complete the formality such as entering into a agreement of sale along with other buyers group. I, could not go to the Sub-registrar office, at such a short notice, as I have been working in a Public sector company with a responsible job. I tried to contract the builders over phone, but my attempts went in vain. Finally, I visited the builder's office to check the status of my application/booking. It was informed me that the booked flat was sold to someone else, stating that due to my failure to attend the Sub-registrar office for the completion of sale agreement formality on the day when they called. It was also informed me that the advance deposited by me will be forfeited and nothing will be refunded. I have also been offered another flat of*

*P. Dore*  
03/02/2020

*builder's choice for a enhanced cost of Rs 52,00,000/- which is almost Rs.11,50,000/- over and above the agreed cost. Hence, I requested the builder to refund Rs.4,10,000/- the amount deposited by me as advance towards the flat. One of the representatives of the builder refused to honour my claim".*

7. The complainant has produced the receipts for having paid the amount to the developer. The allegation made by the complainant has not been denied by other side. Therefore, case of the complainant is to be considered.
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. This complaint was filed on 13/08/2019. In this case the complainant was appeared on 16/01/2020. When the developer has failed to appear then there is no question of delay and hence, I proceed to pass the following.

*Deny*  
*10362/2020*

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**ORDER**

- The Complaint filed by the complainant bearing No. CMP/UR/190813/0003880 is hereby allowed.
- The developer is hereby directed to refund an amount of Rs.4,10,000/- to the complainant together with simple interest @ 2% above the MCLR of SBI on the on the respective amount paid on the respective date till the realisation of entire amount.
- The developer is also 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 03/02/2020).

**K. PALAKSHAPPA**  
Adjudicating Officer