

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
PRESIDED BY SRI K. PALAKSHAPPA
DATED 11th OF MARCH 2020

Complaint No.	CMP/190803/0003745
Complainant	Usha Rangarajan, Shree Padman Flat A 19-20, Seethappa Layout, Cholanayakanahalli, Bengaluru-560032
Opponent	Sobha Developer, 'Sobha', Sarjapur-Marathahalli Outer Ring Road, (ORR), Devarabeesanahalli, Belandur Post, Bengaluru-560103 Rep.by Shri Kumara Swamy, Advocate

JUDGMENT

1. Usha Rangarajan, the complainant has filed this complaint no.CMP/190803/0003745 under Section 31 of RERA Act against the project "Sobha HRC Pristine Phase 1 Block 1" developed by 'Sobha Limited' seeking for the relief of refund of amount, as he is the allottee in the said project.
2. After registering the case, notice has been issued to the parties. The complainant not appeared on the hearing date but finally on 31/12/2019 she has appeared and received a cheque for a sum of Rs.8 lakh from the developer. The respondent has appeared through his advocate Sri Kumara Swamy and issued the above said cheque to the complainant stating that it is towards full and final settlement. On 22/01/2020 the complainant has appeared

[Handwritten signature]
11/03/2020

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Karnataka Real Estate Regulatory Authority Bangalore
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and submitted that interest portion has not been paid and also submitted that Rs.50,000/- has been withheld unnecessarily. Hence, I have heard arguments of the parties and the matter was posted for judgment.

3. The points that arise for my consideration are:
- Whether the complainant is entitled for refund of amount, as sought in the complaint?
 - If so, What is the order?
4. My answer is affirmatively in part for the following

REASONS

5. The complainant has entered into agreement of sale with the developer on 31/01/2019 towards unit bearing No.B1-1042 in Sobha HRC Prestine Phase-I (Block-I) and paid Rs.8,50,000/- as booking amount. It is the case of the developer that the complainant himself has withdrawn the booking without giving proper reasons on 19/07/2019. Therefore, it is the stand of the developer that the complainant himself has withdrawn the same by surrendering Rs. 50,000/- and accordingly, 50,000/- has been deducted from the booking amount. According to the developer he has issued a cheque for Rs.8,00,000/- which is towards full and final settlement. Of course, there is some force in his submission and accordingly, he has deducted Rs.50,000/-,but return the balance amount of Rs.8,00,000/- without giving any interest is not correct. Double edged weapon cannot be used because the complainant who has paid the booking amount and now demanding for the same. Therefore, I feel that as rightly pointed out by the complainant, the developer has to pay the interest at the rate which is permissible under law on the balance amount of Rs.8,00,000/-. With this observation, I allow this complaint in part

Devi
11/03/2019

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

Karnataka Real Estate Regulatory Authority Bangalore

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6. 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 03/08/2019. In this case the complainant was appeared only on 31/12/2019. After hearing arguments of the complainant, the matter came up for judgment. With this observation, I proceed to pass the following.

ORDER

- a. The Complaint filed by the complainant bearing No. CMP/199803/0003745 is hereby allowed in part.
- b. The developer is hereby directed to pay simple interest @ 2% above the MCLR of SBI as on today on the amount of Rs.8,00,000/- from 01/02/2019 till 31/12/2019.

Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 11 /03/2020).


K. PALAKSHAPPA
Adjudicating Officer


NOT AN OFFICIAL COPY

CMP-3745

13.08.2022

Before the Lok-Adalath

The execution proceedings in the above case taken up before the Lok-Adalat. The email dated: 21.07.2022 forwarded by the complainant in the case is hereby accepted and the said email shall be part and partial of the award. Hence, the execution proceedings in the above case stands disposed off as settled and closed in the Lok Adalat.


Judicial Conciliator.


Advocate Conciliator.



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ COMP-3745

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ Usha Rangarajan
Sobha Developers

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

CMP- 3745

11.08.2022

As per the request of the complainant, the execution proceedings in the above case is taken-up for disposal in the National Lok Adalat to be held on 13.08.2022.

The complainant through email dated: 21.07.2022 has reported that the respondent/developer has complied the order passed in the above case and issue is closed. Therefore in view of the said email the execution proceedings in the above case have been closed as settled between the parties. The matter is referred to Lok-Adalat to be held on 13.08.2022 for award.


Judicial Conciliator.


Advocate Conciliator.

KARNATAKA STATE LEGAL SERVICES AUTHORITY
BEFORE THE LOK ADALAT
IN THE KARNATAKA REAL ESTATE REGULATORY AUTHORITY AT
BENGALURU

DATED: 13TH DAY OF AUGUST 2022

: CONCILIATORS PRESENT:

Sri.I.F. Bidari

..... Judicial Conciliator

AND

Smt. Preethi N

..... Advocate conciliator

CMP/190803/0003745

Between

Mrs. USHA RANGARAJAN
(In Person)

..... Complainant/s

AND

Sobha Developers


.....Respondent/s

Award

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having settled the matter, as per email dated:21.07.2022 forwarded by the complainant and same is taken on record during the pre lok Adalat sitting on dated:11.08.2022

The execution proceeding in the above case taken up before the Lok-Adalat. The email dated:21.07.2022 forwarded by the complainant in the case is hereby accepted and the execution proceedings in the above case have been closed as settled between the parties. The email shall be part and partial of the award.


Judicial conciliator


Advocate conciliator