

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: 19th March 2020

Complaint No.	CMP/191104/0004619
Complainant	Manjunath H, #4/2, Out house, 5 th Main, 6 th Parallel Road, Chamarajpet, Bengaluru-560018
Opponent	Sobha Limited Sarjapur-Marthahalli Outer Ring Road, Bellandur Post Bangalore-560103

"J U D G E M E N T"

1. Manjunath H, the Complainant has filed this complaint bearing no.CMP/191104/0004619 under Section 31 of RERA Act against the project 'Sobha Arena-The Plaza (Block 3)' developed by "Sobha Limited" with a prayer to refund the amount. The complaint is as follows:

I have issued cheque 59083 Sobha ltd., on 28-feb-2018 and same is submitted to bank on 6th March 2018. Attaching bank statement as a proof. I have cancelled unit on 3-april 2018 to Mr.Nilanjan sles executive, since from April 2018 I was following up with sales

Deenu
19/03/2020

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
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*executive. Later contact sobha head office sarjpur road. But I didn't
got much valuable reply.. more than 20 emails sent to concern
department. But none of them given obedient reply.*

Relief Sought from RERA : Refund of 1 lac Pre book cancellation .

2. In pursuance of the summons issued by this authority, the complainant has appeared in person and on behalf of the respondent his authorised signatory Sri N.Keshavamurthy appeared and filed memo stating that he has returned Rs.80,000/- to the complainant by deducting Rs.20,000/-towards administrative charges.

3. Heard the argument on both sides.

4. The points that arise for consideration is as to:

Whether the complainant is entitled for the relief?

5. My answer is affirmative for the following

REASONS

6. Repayment of Rs.80,000/- made by the developer proves to hold transaction. The complainant paid Rs.1 lakh as advance amount in the month of February 2018, but within 33 days he has cancelled the booking. It is his submission that the developer has promised him to refund the amount. But as the developer has failed to make payment, hence he has filed this complaint.

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

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7. The developer has returned Rs.80,000/- on 23/01/2020. At the time of argument, it is submitted that the complainant has cancelled booking within 33 days without any good reasons. In view of the booking made by the complainant, the said flat was blocked and the developer was not able to enter into contact with any other persons. Therefore, he has deducted Rs.20,000/- as per book form and returned the amount. There are no good reasons to say that the developer cannot deduct amount. The complainant submits that he is in need of Rs.20,000/-. It is practice among business bound to deduct the amount in case there is cancellation of the booking. But it is the case of the complainant that two types of deductions can not be adopted by the developer. I find some force in his submission since the developer has deducted Rs.20,000/- as penal then he cannot return the amount without any interest. Therefore, I would say that the complainant is entitled for interest on the sum of Rs. 80,000/- from the date of the payment to the developer till the return.
8. As per S.71 (2) RERA, the complaint has to be closed within 60 days from the date of filing. In this case the complaint was filed on 04/11/2019. 60 days be computed from the date of appearance of the parties. In the present case, the parties were present on 11/12/2019. Hence, the complaint is being disposed of with little delay. With this observation I proceed to pass following order

Pen
19/01/2020

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
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ORDER

- a. The Complaint filed by the complainant bearing No.CMP/191104/0004619 is hereby allowed in part.
- b. The developer is hereby directed to pay simple interest on Rs.1,00,000/- @ 2% above the MCLR of SPI from 1.03.2018 till 23.01.2020.
- c. Intimate the parties regarding the order.
(Typed as per dictated, corrected, verified and pronounced on 19/03/2020).

K. PALAKSHAPPA
Adjudicating Officer



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ Comp.No: 4619

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ Manjunath H.

Sobha Arena - The Palaza (Block -3)

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

CMP- 4619

21.09.2022

As per the request of the complainant, the execution proceedings in this case is taken-up for disposal in the Lok Adalat to be held on 12.11.2022.

The complainant Sri. Manjunath. H joined through Skype in pre Lok Adalat sitting held on 21.09.2022 and he has reported that the respondent/developer has complied the order passed in the above case and also has forwarded E-mail dated: 07.09.2022 in that regard. Therefore in view of the submission of the complainant, the execution proceedings in the above case have been closed as settled between the parties in the Lok Adalat. The matter is referred to the conciliators for award.


Judicial Conciliator.


Advocate Conciliator.

CMP - 4619

12.11.2022

Before the Lok-Adalath

The execution proceedings in the above case taken up before the Lok-Adalat. The execution proceedings in the above case has been settled in pre Lok Adalat held on 21.09.2022 and the email dated: 07.09.2022 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.

 12/11/22
Advocate Conciliator.

KARNATAKA STATE LEGAL SERVICES AUTHORITY

BEFORE THE LOK ADALAT

**IN THE KARNATAKA REAL ESTATE REGULATORY AUTHORITY AT
BENGALURU**

DATED: 12th DAY OF NOVEMBER 2022

: CONCILIATORS PRESENT:

Sri: I. F. Bidari

..... Judicial Conciliator

AND

Smt.: Preethi N

..... Advocate conciliator

COMPLAINT NO: CMP/191104/0004619

Between

Mr. Manjunath. H

..... Complainant/s

AND

M/s. Sobha Limited

.....Respondent/s

Award

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the matter, as per the email dated: 07.09.2022 forwarded by the complainant and complainant appeared through Skype call during the pre Lok Adalat sitting on dated: 21.09.2022, same is accepted. The settlement entered between the parties is voluntary and legal one. 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