

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: 21st MAY 2020

Complaint No:	CMP/UR/190311/0002415
Complainant :	Anil Valoor, K612, Sri Tirumala Sarovar, Singasandra Bengaluru-560068
Opponent :	Berly Dsouza 611a, Kohinoor City Hall, Kirol Road, LBS Marg, Kurla West, Mumbai City, Maharashtra-400070 <u>Local Address:</u> Expatriate Projects And Development Pvt. Ltd., No.2, II Floor, Golden Point One, Queens Road, Bengaluru - 560052

J U D G E M E N T

1. Anil Valoor, the complainant has filed this complaint bearing No.CMP/UR/190311/0002415 under Section 31 of RERA Act against the project "Mahika Project" developed by Expatriate Group, seeking for the relief of refund of amount. The facts of the complaint is as follows:

Peru
21/5/2020

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

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During 2009, I invested Rs 205000 on Mahika Project - Plot 5, in Hiriyur, Karnataka. The payment for the project was made in 2009 and till 2016, Expat never completed registration despite of numerous requests from my side to complete the same. In September 20, 2017, I made an official request for the refund for my money invested in the Mahika project plus the compensation which summed up to Rs: 345000. As per the sale agreement, Expat should provide the refund plus the compensation within 6 months of refund request. But unfortunately, Expat didn't honor the terms in their agreement and till date Rs 89320 of my money is pending with Expat. Even after multiple calls and emails, Expat is not ready to pay the money. Every time I am getting a new date for the payout and every time Expat is making some excuses and refuses to pay. The common excuses are there is no inflow of money from their customers, or they don't have any account balance etc. Expat is violating the agreement it had with me which says they will pay the refund within 6 months of refund request. Expat address: 2nd Floor, Sobha Pearl, No.1, Commissariat Road, Bengaluru - 560025

Relief Sought from RERA : Help me to get the refund plus compensation

2. In pursuance of the summons issued by this authority the complainant has appeared in person on 21/01/2020 where as developer has not at all appeared.
3. Heard the arguments.
4. The point that arisen for my consideration was:
 - a. Are the complainant entitled for the relief as sought in his complaint?
 - b. If so what is the order?
5. My answer is affirmative for the following

21/01/2020

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

Karnataka Real Estate Regulatory Authority, Bengaluru

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REASONS

6. The complainant has filed this complaint against unregistered project 'Mahika Project' seeking for the relief of refund of the amount paid by him to the developer towards purchase of plot bearing No.5, measuring half acre situated at Kyathanamale village, Parasurampura Hobli, Chellekere taluk, Chitradurga district. The zerox copy of the agreement of sale is produced, but the developer has not completed the project. In the agreement of sale itself it is agreed that the developer has received Rs.29,000/-. It is the case of the complainant that he has paid Rs.2,05,000/- as his self contribution. He has also claiming interest from May 2009 to July 2014. I would say that as per S.18, the complainant is entitled for the refund of the amount since the developer has failed to complete the project. The evidence of the complainant is not denied by the other side, because he remained absent, hence, I accept the case of the complainant.
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 to be deducted from the date of appearance of the parties. This complaint is filed on 11/3/2019. Since this complaint was filed against unregistered project. The file was with the secretary who has taken necessary steps to the developer with regard to the registration of his project. Later complaint has been transferred to this authority on 13/12/2019 for disposal in accordance with law.

Devi
21/12/2019

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
Karnataka Real Estate Regulatory Authority, Bengaluru

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Afterwards, notice has been issued to the parties. In this case the complainant was appeared on 21/01/2020. In the meanwhile on account of natural calamity COVID 19 the whole nation was locked down completely from 15/03/2020 till 31/05/2020 and as such this judgment could not be passed and as such it is being disposed of with some delay. With this observation, I proceed to pass the following.

ORDER

- The complaint No. CMP/UR/190311/0002415 is allowed.
- The developer is hereby directed to return Rs. 2,05,000/- to the complainant.
- The developer is directed to pay simple interest @ 9% p.a. on the respective payment on respective date till 30/04/2017 and @ 2% above MCLR of SBI commencing from May 2017 till the realisation of entire amount. (MCLR be calculated @ prevailing as on today)
- The developer is also directed to pay Rs. 5000/- as cost.
- Intimate the parties regarding the Order.

The complainant is directed to execute the cancellation of agreement of sale after the entire amount is realized.

(Typed as per Dictates, Verified, Corrected and Pronounced on 21st MAY 2020)

(K.PALAKSHAPPA)
Adjudicating Officer

CMP-2415

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-2415

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ

Anu valoor

Berly Dsouza

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

CMP- 2415

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. 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/UR/190311/0002415

Between

Mr. Anil Valoor
(In Person)

..... Complainant/s

AND

Berly Dsouza


.....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