

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

KARNATAKA REAL ESTATE REGULATORY
AUTHORITY BENGALURU
BEFORE ADJUDICATING OFFICER
PRESIDED BY SRI K. PALAKSHAPPA
DATED 19th MAY 2020

Complaint No.	CMP/191031/0004592
Complainant	Anil Murlidhar Khedekar Doctors Layout , Naganathpur Bengaluru Urban-560100 In person
Opponent	H.P. Rama Reddy And A. Rama Reddy No. 16 And 16/1,4 th Floor, Musuem road, Opp. To St. Hospephs Evening College, Bengaluru Urban-560086 Absent

JUDGEMENT

1. Anil Murlidhar Khedekar the complainant has filed this complaint no. CMP/191031/0004592 under Section 31 of RERA Act against the project "Reliable Dollar Colony Phase 1 A " developed by 'H.R. Rama Reddy and A. Rama Reddy.,' seeking for the relief of refund of his booking amount.
2. After registering the complainant notice has been issued to the parties, the complainant has appeared in person where as the respondent has not at all appeared and not filed any objections.
3. Heard arguments of the complainant and posted the matter for judgment on its merits.
4. The point that arise for my consideration is

Peru
K. Palakshappa

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ಮಿಷನ್ ರಸ್ತೆ, ಬೆಂಗಳೂರು-560017

a. Whether the complainant proves that he is entitled for refund of the amount paid by him to the developer?

b. If so, what is the order?

5. My answer is affirmative for the following

REASONS

6. It is the case of the complainant that he has paid Rs.50,000/- as booking amount. The amount is very less but the same is not refunded by the developer and as such it is better to go through his complaint which reads as under:

I have finalized site no. 116 having survey number 174/1. No were it was communicated to me saying site allotted is EWS site. I paid booking amount of Rs 50000/-. As part of legal verification, we found allotted site no 116 is EWS site and when my advocate asked for supporting document to clarify EWS sites. Builders were unable to provide any documents and finally they cancelled this site allotted and confirmed they will refund my money of Rs 50000/- in 90 days. Now its 4 months, they are not returning back my money. Booking amount was paid on 31st May 2019. 9th Jul 2019 builder confirmed cancellation is done. Please help to refund my money back.

Relief Sought from RERA : 50000

7. The above allegations have not been denied by the other side since he remained absent. The developer has violated Section 18 of the act. The complainant has paid the booking amount and demanded by sending E-Mails but it was not materialised and thereby the developer shall return the amount with interest as applicable. I find no good reasons to dismiss the complaint. The payment has been proved by the complainant.

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

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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 31/10/2019. Notice has been issued to the parties. Complainant alone has appeared and developer remained absent and as such in his absence award is being passed. In the meanwhile on account of natural calamity COVID 19 whole nation was locked down completely from 26/03/2020 till 16/05/2020 and as such this judgment could not be passed and as such it is with some delay. With this observation, I proceed to pass the following.

ORDER

- The Complaint filed by the complainant bearing No. CMP/191031/0004592 is hereby allowed
- The developer is hereby directed to refund an amount of Rs.50,000/- to the complainant within 30 days from today. If not it will carry simple interest @ 2% above the MCLR of SBI on the said amount from 31st day till the realization. (The MCLR be calculated @ prevailing as on today)
- 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 19/05/2020).

K. PALAKSHAPPA
Adjudicating Officer

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ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ Comp. No: 4592

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ Anil Muralidhar Khedekar

Reliable Dollar Colony Phase- 1A.

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

CMP- 4592

31.10.2022

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

The complainant Sri. Anil Murlidhar Khedekar joined over phone call in pre Lok Adalat sitting held on 31.10.2022 and he has reported that the respondent/developer has complied the order passed in the above case and also has forwarded E-mail dated: 15.10.2022 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 conciliators to pass award.


Judicial Conciliator.


Advocate Conciliator.

CMP - 4592

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 have been settled in pre Lok Adalat sitting held on 31.10.2022 and the email dated: 15.10.2022 forwarded by the complainant in the case is hereby accepted and the said email copy shall be part and parcel 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.

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/191031/0004592

Between

Mr. Anil Murlidhar Khedekar

..... Complainant

AND

H.P. Rama Reddy & A. Rama Reddy

.....Respondent

Award

The dispute between the parties with regard to execution proceedings having been referred for determination to the Lok Adalat and the parties having compromised/settled the matter, as per the email dated: 15.10.2022 forwarded by the complainant and complainant joined over phone call during the pre Lok Adalat sitting on dated:31.10.2022, 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 copy shall be part and parcel of the award.


Judicial conciliator


Advocate conciliator