

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: 26th MAY 2020

Complaint No.	CMP/191115/0004727
Complainant	Sudhanva S.Shetty S5,90 Deccan Gardenia 2, Gaarden vilas, Nagarbhavi main road, Bengaluru-560072 In Person
Opponent	Sobha Limited Sarjapur-Marthahalli Outer Ring Road, Bellandur Post Bangalore-560103

"J U D G E M E N T"

1. Sudhanva S. Shetty, the complainant has filed this complaint bearing no.CMP/191115/0004727 under Section 31 of RERA Act against the project 'Sobha Forest Edge' developed by "Sobha Limited" with a prayer to refund the amount. The complaint is as follows:

I had booked an apartment in the property, but because of some personal issues , I had to cancel the same. I was told by the Sales Manager and Sales Executive during booking that full amount will be refunded within 45 days, in case I decide to cancel. But when I decided to cancel my booking in Flat 2171, I was asked to move the booking to 2013 and cancel. I did the same, but still the amount was not refunded. I have attached correspondence and other details.

26/5/2020

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

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Request your help to seek complete refund of my booking amount Rs 2 lakhs at the earliest. Both the units have been sold to other buyers, but still my amount is not refunded even after more than 6 months.

Relief Sought from RERA : Request RERA to interfere and help me in getting refund of Rs 200000.

2. In pursuance of the summons issued by this authority, the complainant has appeared and the respondent appeared through his authorised letter Sri N. Keshavamurthy and filed memo stating that he has returned the amount to the complainant by deducting Rs.50,000/- 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.1,50,000/- made by the developer proves to hold that the transaction is admitted. The complainant has paid Rs.2 lakhs as advance amount. In this regard it is stated that the complainant had booked unit No. B1-2171 but he has shifted another unit bearing NO. B3-2013, but within a short period 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.

7. The developer has returned Rs.1,50,000/- on 23/01/2020. At the time of argument, it is submitted that the complainant has cancelled booking as per the instruction of the developer. It is the

Devi
26/01/2020

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case of the complainant that he has cancelled the former apartment in order to shift to another unit further it is his submission that the developer has failed to return the amount. But it is the say of the developer that in view of the booking made by the complainant, the said flat was blocked and the developer was not able to enter into contract with any other persons. Therefore, he has deducted Rs.50,000/- as per booking form and returned the balance amount. There are no good reasons to say that the developer cannot deduct the amount. The complainant submits that he is in need of Rs.50,000/- but it is practice among business 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.50,000/- as penalty 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. 1,50,000/- 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 15/11/2019. 60 days be computed from the date of appearance of the parties. In the present case, the parties were present on 31/12/2019. In the meanwhile on account of natural calamity COVID 19 whole nation was locked down completely from 15/03/2020 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.

Den
Rashmi

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
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ORDER

- The Complaint filed by the complainant bearing No.CMP/191115/0004727 is hereby allowed in part.
- The developer is hereby directed to pay simple interest on Rs.1,50,000/- @ 2% above the MCLR of SBI from the date of payment till 22/01/2020.
- Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 26/05/2020).

K. PALAKSHAPPA
Adjudicating Officer

CMP-4727

13.08.2022

Before the Lok-Adalath

The execution proceedings in the above case taken up before the Lok-Adalat. The email dated: 26.07.2022 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-4727

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ Sudhanva S Shetty
Sobha Developers

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

CMP- 4727

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: 26.07.2022 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/191115/0004727

Between

Mr. Sudhanva S Shetty
(In Person)

..... Complainant/s

AND

Sobha Developers

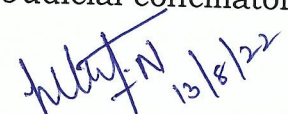
.....Respondent/s

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:26.07.2022 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:26.07.2022 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