

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: 6th JUNE 2020

Complaint No	CMP/191227/0005085
Complainant	Praveen Kumar P., @502, Banashankari 3 rd Phase, 2 nd Block, 4 th cross Bengaluru-560085 In Person
Opponent	Sobha Limited, Sarjapur-Marthahalli Outer Ring Road, Bellandur Post Bangalore-560103

"J U D G E M E N T"

1. Praveen Kumar P, the complainant has filed this complaint bearing no.CMP/191227/0005085 under Section 31 of RERA Act against the project 'Sobha Valley View Heritage' developed by "Sobha Limited" with a prayer to refund the amount. The complaint is as follows:

I had paid advance of Rs. 6 Lakhs last year in December 31, 2018. I have to cancel the booking since promoter was not able to provide me the right configuration. It has been full one year now (12 months) and have not received by advance back even after repeated requests and emails since 8 months.

Praveen
06/06/20

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
Karnataka Real Estate Regulatory Authority, Bengaluru
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*Relief Sought from RERA : I need my advance booking
amount of Rs.6,00,000/- along with interest.*

2. In pursuance of the summons issued by this authority, the complainant has not appeared but Sri N.Keshavamurthy appeared on behalf of the developer and filed memo stating that he has returned the amount Rs.5,50,000/- to the complainant by deducting Rs.50,000/- towards administrative charges. Since, the complainant was not present Mail notice has been sent to him for which he has given the reply. The mail exchanges reveal the same:

Mail dated: 26.05.2020

Respondent submits a memo stating that they have refunded the amount of Rs. 5,50,000/- is it true? Shall we close your complaint on the basis of this memo. Reply immediately.

For which the reply given by the complainant as under on the same day

NO Sir please,

They are still have refund Rs.50,000/- as I have paid the 6 lakhs totally.

Until they refund my full amount, I request your good self not to close the case.

3. It means the complainant is denying the case of the developer. Therefore I have posted the matter for judgment based upon the submission made by the developer and the mail sent by the complainant.

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

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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. The complainant has paid Rs.6,00,000/- towards purchase of Unit No. 3K2-209+ by signing the application on 31/12/2018. Later the complainant has cancelled the booking therefore the developer has returned Rs. 5,50,000/- by deducting Rs.50,000/- towards administrative charges. In view of the same Sri N.Keshavamurthy representative of the developer submits that the complaint may be closed in view of the repayment.

7. The developer has returned Rs.5,50,000/- by deducting Rs.50,000/- .At the time of argument, it is submitted that the complainant has cancelled booking without giving any reasons. Further 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 cannot 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

Delivered
06/06/2020

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complainant is entitled for interest on the sum of Rs. 5,50,000/- from the date of the payment to the developer till the date of 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 27/12/2019. 60 days be computed from the date of appearance of the parties. In the present case, the complainant not at all appeared. The developer has appeared on 19/02/2020. In the meanwhile on account of natural calamity COVID- 19 the whole nation was put under lock down completely from 24/03/2020 till 17/05/2020 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/191227/0005085 is hereby allowed in part.
- The developer is hereby directed to pay simple interest on Rs.5,50,000/- @ 2% above the MCLR of SBI from the date of payment till the date of its return.(MCLR to be calculated @prevailing as on today).
- Intimate the parties regarding the order.
(Typed as per dictated, corrected, verified and pronounced on 06/06/2020).

K. PALAKSHAPPA



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ Cmp. No: 5085

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ Praveen Kumar P

Sobha Valley View Heritage

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

CMP- 5085

17.10.2022

The execution proceeding in the above case is taken-up for disposal in then National Lok Adalat.

The authorised person of the respondent present and the complainant Sri. Praveen Kumar P joined over phone call in pre Lok Adalat sitting held on 17.10.2022 and he has reported that the respondent/developer has complied the order passed in the above case. 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 - 5085

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 17.10.2022 in the case is hereby accepted. 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/191227/0005085

Between

Mr. Praveen Kumar P

..... Complainant

AND

M/s. Sobha Limited.,
(Authorised Person)

.....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, complainant joined over phone call during the pre Lok Adalat sitting on dated:17.10.2022, 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.


Judicial conciliator


Advocate conciliator