

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

Karnataka Real Estate Regulatory Authority,
1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru - 560027

PROCEEDINGS OF THE AUTHORITY

Dated 17th AUGUST 2020

Complaint No. CMP/UR/200124/0005292

V M HEGDE,

Flat No. 004, Kiran Residency,
30th Main Road,
Banashankari 3rd Stage,
Bengaluru Urban - 560085.

.....Complainant

AND

N SUBRAMANI & S KAMALAMMA

Promoters of Project Sri Kiran Residency,
No. 1485, 27th Cross Road,
24th Main Road, Banashankari 2nd Stage,
Bengaluru Urban - 560070.

.....Respondent

This complaint has been filed against the project "Sri Kiran Residency".

The complaint in brief is as follows.

- (i) Unauthorized construction of the 4th floor in violation of building plans approved by BBMP
- (ii) Not adhering to the conditions of the sale agreement
- (iii) That he had entered into a sale agreement with the promoter and also executed a sale deed on 22/07/2004.
- (iv) With respect to unauthorized construction of the 4th floor, a complaint has also been filed with the BBMP.

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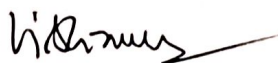
Karnataka Real Estate Regulatory Authority,
1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560017

- (v) The builder has not handed over original documents to residents association.

The case was taken for hearing and notices were issued. On 24/06/2020 the matter was heard on skype and the complainant reiterated the facts already stated in the online complaint. On the said date, after the case was heard and posted for orders, Sri. C M Raghunath, advocate appeared and filed vakalat on behalf of the respondent. He undertook to file written statement before passing of the order by this Authority.

Accordingly on 14/07/2020 the respondents filed a written statement and submitted as follows.

- (i) That the complaint is false and frivolous and has been filed with an intention to harass the respondent.
- (ii) That the project in question was completed way back in 2002-03 and all the home buyers were put in possession in 2004 and the khata of the individual flats were obtained in 2005. Therefore Section 3 of the Real Estate (Regulation and Development) Act, 2016 is not applicable and hence the project does not require registration. The respondents do not have subsisting interest in the project.
- (iii) The complainant has filed his complaint after 16 years from date of taking possession. Section 14(3) of the Act is clear that even for structural defects, complaint has to be filed within 5 years.







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- (iv) That the BBMP is collecting taxes right from 2005 pursuant to the regularization of the 4th Floor.
- (v) The apartments owners association is maintaining the apartments complex since 14-15 years and The respondents do not have subsisting interest in the project.

Perused the complaint and also the written statement filed by the respondent. Obviously and admittedly the project was completed well before 13 years before the Real Estate (Regulation and Development) Act, 2016 had come into force.


In view of the above, following orders is passed.

ORDER

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the present complaint bearing No. CMP/UR/200124/0005292 is hereby dismissed as not maintainable.


(D. Vishnuvardhana Reddy)
Member - 1
KRERA


(Adoni Syed Saleem)
Member - 2
KRERA


(M.R. Kamble)
Chairman
KRERA