

ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
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

BEFORE ADJUDICATING OFFICER, RERA
BENGALURU, KARNATAKA
Presided by Sri K PATAKSHAPPA
Adjudicating Officer
Date: 22nd MAY 2020

Complaint No.	CMP/191106/0004638
Complainant	Rabi Uddin, No.1, Electronic city, Shikaripalya, Hulimangala Post, Anekal Taluk, Bengaluru-560100
Opponent	IT Estates , No.90, "Le-CHATEAU" Infantry Road, Bengaluru -560001 ABSENT

J U D G E M E N T

1. Rabi Uddin, the complainant has filed this complaint bearing No.CMP/191106/0004638 under Section 31 of RERA Act against the project "Garden Residency" developed by IT Estates, as the complainant is the allottee in the said project. The complaint is as follows:

I had booked a flat in the project on 25th June 2018, with an understanding that the delivery of flat will be done in 2 months time. It is now 18 months and delivery of flat is still not done. The work at the project is completely stopped for more than 1 year and the developer or his employees do not respond to phone calls or mails. I cannot bear the EMI as pay rent alongwith it any more. We have taken a bank loan of Rs. 18,40,000/- for purchasing the flat and the money has been paid by the bank to the builder directly. This payment of EMI from me is affecting my family as we also have to pay rentals, in the place where we live . I pray to your bench to kindly help me

Done
22/05/2020

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*cancel the booking and relieve me of making the EMI payments henceforth and also
help me recover the money paid to the promoter*

Relief Sought from RERA :Cancellation of booking and refund of money

2. In pursuance of the summons issued by this authority. The complainant has appeared in person and the respondent has not at all present.
3. Heard the arguments.
4. The point that arise for my consideration is
 - a. Whether the complainant is entitled for the relief as sought in the complainant?
 - b. If, so what is the order?
5. My answer is affirmative for the following

REASONS

6. This complaint has been filed by the complainant seeking for the relief of refund of amount paid by him towards purchase of flat bearing No.C-302. The agreement of sale is produced which was executed on 25/06/2018. According to the complainant, the developer has failed to complete the project as agreed in the agreement of sale. The written complaint produced by the complainant dated 13/06/2018 where he has paid Rs.5,20,000/- towards purchase of flat. At the time of argument, the developer submitted that the bank loan is also there and he has paid EMI. The evidence given by the complainant has not been denied by the other side, since he remained absent. Oral evidence is supported by the documentary evidence.
7. Before passing the final order I would say that as per S.71 (2) RERA, the complaint will have to be closed within 60 days from the date of filing. In this case the complaint was filed on 06/11/2019. The said 60 days be computed from the date of appearance of the parties. In the present case, the complainant was appeared on 09/01/2020 since the developer has not appeared means the

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22/05/2020

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question of delay does not arise. In the meanwhile on account of natural calamity COVID 19 whole nation was locked down completely from 15/03/2020 till 15/05/2020 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 no.CMP/191106/0004638 is hereby allowed.

- The developer is hereby directed to pay Rs.5,20,000/- to the complainant .
- The developer is hereby directed to pay simple interest @ 2% above the MCLR of SBI from 30/06/2018 till realisation of the entire amount.(MCLR be computed which is available as on today)
- The developer is hereby discharge the loan with interest, EMI if any, EMI if due, EMI was paid by the complainant which was ought to be paid by developer paid with its interest, and any other statutory charges.
- The developer is also directed to pay Rs.5,000/- as cost of this petition.
- Intimate the parties regarding this order.

(This Order is Typed, Verified, Corrected and pronounced on 22/05/2020)

K.PALAKSHAPPA
(Adjudicating officer)

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