

**BEFORE ADJUDICATING OFFICER, RERA**

**BENGALURU, KARNATAKA**

**Complaint No. CMP/190123/0001935**

**Dated: 05<sup>th</sup> APRIL 2019**

Complainant : JITHIN PAULY P  
No. 26, type 3, CPRI Colony,  
New BEL Road,  
Bengaluru - 560012

AND

Opponent : Vasathi Avante,  
Vasathi Housing Limited,  
37/1 Ranchenahalli,  
Near Mesthri Palya Chruch Gate No-5,  
Bengaluru - 560045

---

**J U D G E M E N T**

1. Mr. Jithin Pauly P, has filed this complaint under Section 31 of RERA Act against the project "Vasathi Avante" developed by Vasathi Housing Limited bearing complaint no. CMP/190123/0001935. The brief facts of the complaint is as follows:

*"As per the construction agreement dated, 08 October 2016, the builder Vasathi housing ltd was to complete construction and hand over of the flat W2-A-903 by December 2016 as per schedule I of the agreement. An amount of Rs: 63, 12,192/- has been paid to the builder till date. However, the flat is yet to be handed over as on date. This delay of more than 18 months (after the grace period of 6 months) is causing inconvenience. Hence it is requested to get necessary compensation towards inordinate delay caused by the builder. The compensation may be calculated @ 12% PA from 01 Jul 2017 to till the date of handover (all work completed along with Occupancy Certificate) on the total paid amount to the builder till date. I request the till date due compensation to be paid on immediate basis along with the interest for delaying the delay*

10

*compensation and the remaining future compensation to be paid every month as the delay is hurting me financially. Builder may also be directed to complete the construction and handover the apartment at the earliest along with Occupation Certificate and other essential documents authorizing me to occupy and use the apartment in future.*

*Relief Sought from RERA: Monetary compensation@12% on paid amount till date"*

2. Complainant was present but not the respondent. The respondent was not at all appeared for any hearing. The complainant has filed the memo of calculation with regard to payer made by him.
3. He has entered into agreement with developer on 08/10/2016 with respect to flat no. W2-A-903 and agreed to deliver the possession on or before June 2017(including grace period). The complainant has paid Rs. 63, 12,192/- till today but the developer has not completed the project. In RERA the completion date mentioned as 31/12/2018, which means there is a delay in completing the project. As per RERA, the complainant is entitled for delay compensation.
4. AS per S.71(2) RERA, the complaint shall be closed within 60 days from the date of filing. As per the SOP the 60 days be computed from the date of appearance of parties. In this case the developer never appeared and the date of appearance of complainant for the first time is on 21/02/2019 and hence the complaint is being disposed of within limitation. With this observation I proceed to pass the order.

*Soumya*

**ORDER**

1. The complaint no. CMP/190123/0001935 has been allowed by directing the developer to pay delay compensation in the form of interest @10.75% p.a on the amount received from the complainant commencing from July 2017 till the possession of the flat is delivered.
2. The developer also directed to pay Rs.5,000/- as cost of this petition.

Intimate the parties regarding this order.

(Typed as per dictation Corrected, Verified and pronounced on 05/04/2019)

  
K. PALAKSHAPPA  
Adjudicating Officer

