

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 27th of November 2019

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|-----------------------------|--|
| Ref: | CMP / 171114 / 0000217 |
| Complainant | Shri. VEERABADRA GY PATIL # 13, Sujata Nivas, Kastur Park, Shimoli Road, Borivali West, Mumbai, Maharashtra-400092. |
| Promoter / Project Name: | Bangalore Employees and Self Employees Housing Cooperative Society, No.319/9, 1st Floor, BHEL, Mysore Road, Bengaluru-560026. |

The complainant by name **Shri. VEERABADRA GY PATIL**, Mumbai has filed a complaint under Section 18 of the RERA Act, claiming for the payment of full booking amount with interest. The gist of the complaint is as under:

"I am an NRI residing in Australia. I had booked online, 8 plots, based on misleading information provided to me by "The Bangalore Employees and Self-employees Housing Co-op Society Ltd" between 17/07/2016-10/11/2016.ref to details in attached letter. This was brought to my notice after the plots bookings were done, the Laws and Bye Laws of the Co-op Society, where in, only one plot is allowed to book by a person, this does not appear on any of the Original Booking Application Forms/Receipts/Site booking confirmation documents, nor I was made aware of the same at the time of booking plots. In early Jan 2017, I got to know about misleading me, on the issue of plots booking by the Society and acted on the matter as a matter of urgency to cancel all my plots booking with the Society by communicating with them on emails (cancellation letters) and telephones to do the same at once. The President is not responding to emails or telephone calls at all. Matter is been getting postponed with the excuses of monthly meeting/AGM and so on to decide on the matter for the last 11 months, I was given to understand that Mr. Muddappa of M and M Developers Bangalore is the person who has to decide on the matter of refund, as he is the person who runs the Society and I have tried sending e-mail and had a telephone conversation with him, initially he said he would refund the booking amount and later refused to refund the amount. I was also asked to deal with society only".

Preliminary proceedings were conducted by the Secretary, K-RERA upto 29/06/2019.

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Notices were issued on 22.12.2017 and 30.12.2017 and also time granted to the respondent to respond. Notice dated 02.02.2018 was issued to the promoter on 09.04.2018 to appear before the Secretary of this Authority. On 09.04.2018, the Promoter was present and the Promoter informed about the pendency of the RERA registration of the project. Further, notice has been issued to the Complainant and the Promoter on 16.04.2018. On 22.06.2018, both the complainant's and the promoter's counsels were present. The counsel for the complainant submitted that the complainant has paid Rs.41,00,000/- and that there was no progress in the project till now, for which the Promoter did not disputed. Hence, it was agreed by both the Parties that 2 month's time to be granted to the Promoter to pay the amount along with the compounding interest and legal expenses. Accordingly, the date of hearing was fixed on 22.08.2018 to report compliance.

On 22.08.2018 both the Complainant's counsel and the Promoter's counsel were present. Complainant's counsel intimated that, the Promoter has not returned the settled booking amount for which the Promoter's representative Mrs. Amita sought for more time to comply and promised that the amount will be paid in 2 installments before December 2018. The Complainant's counsel emphasized that the amount should also include interest, legal expenses. The Promoter was directed to file an Affidavit within 31st of the said month undertaking to return the booking amount. The case was posted to 29.10.2018.

The case was posted to 10/5/2019 and thereafter to 29/6/2019. On the said date, both the Complainant and the Promoter were present. The builder submitted that the plan for the above project is not sanctioned and the land is yet to be converted to Non Agricultural purpose. The builder has collected the money of Rs.40,68,000/- (Rupees Forty Lakh Sixty Eight Thousand) in 2016. He has not registered with RERA till date. The respondent had agreed that he would give an undertaking to repay the complainant. The respondent failed to comply on his promise. Thereafter the case was posted for hearing before this Authority.

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On 13/11/2019, advocate for the complainant was present and yet again the respondent remained absent. The respondent was present on 29/06/2019 before the Secretary of this Authority and had admitted that he has collected a sum of Rs.40,68,000/- from the complainant. But failed to give an undertaking and remained absent for all the subsequent hearing of the Authority. Hence, this order:

ORDER

- The Complaint No. CMP/171114/0000217 is allowed under Section 31 of the Real Estate (Regulation and Development) Act, 2016.
- The Promoter is hereby directed to pay back Rs.40,68,000/- along with interest at the rate of 10.75% per annum from the date of deposit till the date of refund and not later than 60 days.
- Intimate the Parties regarding the Order.
- If the amount is not paid within 60 days, the complaint can request for recovery of the said amount as arrears of land recovery.
- Separate proceedings shall be initiated against the Promoter under Section 3 read with Section 4 of the Real Estate (Regulation and Development) Act, 2016 for non-registrations of the said project.

(Adoni Syed Saleem)

Member-2
KRERA

(M.R Kamble)

Chairman
KRERA

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