

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
Karnataka 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 PALAKSHAPPA

Adjudicating Officer

Date: 13th February 2020

Complaint No.	CMP/191019/0004345
Complainant	Mehul Goyal E-203, Concorde Midway City, Basarura, Bangalore-560100 Karnataka
Opponent	Anil Kumar, Krishna Mystiq (Phase-II) Krishana Enterprises (Housing & Infrastrucres) India Pvt.Ltd.,A-13, Lrishna Shelton Kattigenahalli, Bagalur Cross, Bangalore-560063

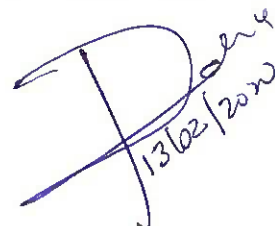
JUDGMENT

1. Mehul Goyal, complainant has filed this complaint bearing no. CMP/191019/0004345 under Section 31 of RERA Act against the project "Krishna Mystiq (Phase-II)" developed by 'Krishana Enterprises (Housing & Infrastructures) India Pvt.Ltd.,' seeking for the relief refund of full amount. His compliant reads as under:

1 Flat booked in Dec 2013, with promised delivery date of 2016 2 - Builder promised amenities-facing flat and charged premium for same 3 - Massively delayed project; construction not complete even in Jul 2019 4 - Builder falsely presented location of amenities in advertisement; proposed location is government land 5 - Builder and CRM team is not responsive on project status, ignores telephonic/ written communication and refuses to meet in person

Relief Sought from RERA :Request for full refund

2. After registering the case, notice has been issued to the parties. The complainant has appeared in person and respondent remained absent.


13/02/2020

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3. Hence, I have heard arguments of the complainant and the matter was posted for judgment on merits.
4. The points that arise for my consideration are:
Whether the complainant is entitled for relief as sought in the complaint?
If so, What is the order?
5. My answer is affirmative for the following

REASONS

6. The complainant has entered into agreement of sale with the developer on 24/07/2015 in respect of flat bearing No.01. The developer has agreed to deliver the flat on or before September 2015 and grace period of 6 months, which means it comes to March 2016. The complainant has paid total amount of Rs.53,35,000/- out of which Rs.15,00,000/- was bank loan. The project is not completed even completion of July 2019. More over, all these evidence given by the complainant has not been denied by other side since the developer remained absent from the commencement of the trial. Therefore, I believe the case of the complainant.
7. Before passing the final order I would like to say that as per section 71(2) of RERA the complaint shall be disposed off by the Authority within 60 days from the date of receipt of the complaint. This complaint was filed on 19/10/2019. In this case the complainant was appeared on 03/12/2019 but the developer failed to appear. Therefore, the question of delay does not arise.

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8. With this observation, I proceed to pass the following.

ORDER

- a. The Complaint filed by the complainant bearing No. CMP/191019/C004345 is hereby allowed.
- b. The developer is hereby directed to refund an amount of Rs 37,35,000/- together with interest @ 9% p.a. on the respective payment made on the respective date till 30/04/2017 and also @ 2% above the MCLR of SBI commencing from 01/05/2017 till realization of the entire amount.
- c. The developer is hereby directed to discharge the bank loan with its interest, EMI if due, EMI if any paid by the complainant and any other statutory charges.
- d. The developer is also hereby directed to pay Rs.5,000/- as cost of the petition.
- e. The complainant is hereby directed to execute cancellation of agreement of sale after realization of the entire amount.

Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 13/02/2020).


K. PALAKSHAPPA
Adjudicating Officer

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