

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**  
**PRESIDED BY SRI K. PALAKSHAPPA**  
**DATED 20<sup>th</sup> November 2020**

<b>Complaint No.</b>	<b>CMP/UR/200105/0005140</b>
<b>Complainant</b>	Sanu George Easo 72, Ganesha Layout, M S Palya, Vidyaranyapura, Bangalore - 560097 In Person
<b>Opponent</b>	Palm Vista, Pearl Communityone Developer Private Ltd., 5, Victoria Road, Opp to Toyota Showroom. Bangalore Urban - 560047 Absent

**JUDGMENT**

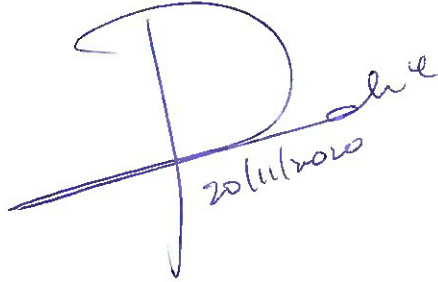
1. This Complaint is filed by the complainant against the developer seeking for the relief of refund of the amount.
2. After registering the complaint notice has been issued to the parties, the complainant has appeared in person but the respondent failed to appear.

*Done*  
20/11/2020

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3. Since the developer has failed to appear the complainant was asked to send summons through postal media for which also he has not appeared. In his absence I have heard the case and posted the matter for judgment on merits
4. This case was to be called on 26/03/2020 but on that day it was not called on account of Covid-19 and it was ordered to stop the hearing in open court. Further from 24/03/2020 till 17/05/2020 lock down was declared and as such hearing was not possible. Further as per office note, the personal hearing was deferred and as such the parties have been called for hearing through Skype. Complainant was present but the developer has not appeared.
5. The point that arise for my consideration is
- Whether the complainant proves that he is entitled for refund of his amount?
  - If so, what is the order?
6. My answer is affirmatively for the following

  
20/11/2020

**REASONS**

7. This complaint is filed by the complainant seeking the relief of refund of his amount. The text of the complaint is very important to consider his prayer. The text of the complaint reads as under.

*I had entered in construction and sale agreement, and a MOU with Pearl Community One Developers Private Limited on the May 23, 2015. As per the agreement the timeline to complete the construction and handover of the villa was December 31, 2016. I have paid a sum of Rs.50,00,000.00 (Fifty Lakhs) towards booking advance payment. My booked Unit Villa C-12 had to be constructed in Phase-1 Extension of Palm Vista Project. Till now, no construction has started for my booked unit and I understand from sources that builder is not constructing the said unit. I discussed and requested vide mail dated 13 December 2017 to refund the full advance as per MOU. Until today the builder has not paid any amount.*

*Relief Sought from RERA: Request RERA authorities to take cognizance of the hardship faced by me. I would request you to direct the builder to return my money, with agreed upon interest, at the earliest.*

*Per*  
*20/11/2018*

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8. In support the said claim the component has produced memorandum of understanding and also payment details. This evidence is not denied by the other side. The complainant had paid the considerable amount of Rs.50 Lakhs to the developer about 5 years back. Even today he is not able to get the fruit of the same means the developer who has been benefitted with the amount shall return with applicable interest. I find no good reason to dismiss the complaint hence I allow this complaint.
9. 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 09/12/2019. Originally the case was handled by the Secretary and afterwards it was transmitted to Adjudicating Officer in the month of January 2020. After issuance of notice the complainant alone has appeared. When the case was posted to 20/03/2020 physical hearing of the cases has been stopped in view of Covid-19 and from 24/03/2020 lock down was declared till 17/05/2020. Hence the complaint is being disposed of with some delay. With this observation I proceed to pass following order.

*Dr. P. S. Rao*  
20/03/2020

**ORDER**

- a. The complaint no. CMP/UR/200105/0005140 is allowed.
- b. The developer shall return Rs. 50,00,000/- to the complainant.
- c. The developer is hereby directed to pay simple interest @ 9% P.A. on the respective amount paid on respective date till 30/04/2017. Further the developer is directed to pay simple interest @ 2% above the MCLR of SBI commencing from May 2017 till realization.
- d. The developer is also liable to pay cost of Rs.5,000/- to the complainant.
- e. The complainant may file memo of calculation as per this order after 60 days in case the developer has failed to comply with the same to enforce the order.
- f. Intimate the parties regarding this order.

(This Order is Typed, Verified, Corrected and pronounced on 20/11/2020)

**K.PALAKSHAPPA**  
**Adjudicating officer**

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