

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 11th of September 2019

COMPLAINT No. CMP/170805/0648651

RAMESH NARAYAN KULARNI

....Complainant

No. B3, Raman Residency,
Opp. Nirmala Convent,
1st Main, V V Mohalla,
Mysore – 570002.

VERSUS

M B Naga Kumar,

....Respondent

Proprietor Premier Properties,
No. 2270/1, Chittaranjan Mahal,
Vinobha Road, Jayalakshmi Puram,
Mysore – 570012.

This complaint has been filed against the respondent with respect to his project "Premier Metropolis, Block A, Mysore".

The complaint in brief is as under:

- (i) That the complainant entered into an agreement of sale on 18/10/2012 for the apartment No. 107 to be constructed in property bearing No. 2270/1, Chitrangan Mahal, Vinobha Road, Jayalakshmi Puram, Mysore. The sale price of the

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apartment was Rs. 54,32,560/-. The complainant paid a sum of Rs. 13,58,140/- as advance amount.

- (ii) That subsequently on 26/11/2012, he paid Rs. 7,14,320/-. Hence he paid in all Rs. 20,72,460/-.
- (iii) That the builder/respondent has not started construction till date. Hence requested for return of money along with compensation.

Notices were issued to both the sides. The respondent filed his objections dated 20/09/2017, stating that due to financial constraint he has not started the project and they had offered the complainant to either purchase an alternative apartment or to take back the money.

From the file it is seen that there was a compromise signed between the complainant and the respondent dated 21/07/2014. According to this the respondent had agreed to pay Rs. 25,00,000/- to the complainant which included the amount paid by him along with the compensation.

The complainant vide his letter dated 12/12/2017 addressed to this Authority had stated that the respondent had issued a cheque dated 21/07/2014 for a sum of Rs. 12,50,000/- which was bounced. He has further stated that no cheque was issued for the rest of the amount. The complainant has asked for return of money along with compensation from this Authority.

Though the agreement of sale was entered on 18/10/2012, it is an admitted fact that neither the apartment is constructed nor the amount has been returned.

In view of the above facts, following order is passed.

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ORDER

The complaint bearing No. **CMP/170805/0648651** is hereby allowed under Sec. 31 of the Real Estate (Regulation and Development) Act, 2016. The respondent is directed to refund to the complainant as under;

To refund the amount paid by the complainant to the respondent along with interest at the following rates;

- (i) At the rate of 9% per annum on the respective amount paid on the respective date till 30/04/2017 as per Sec. 8 of The Karnataka Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1972.
- (ii) At the rate of 2% above the SBI Marginal Lending rate of interest on home Loans on the said amount with effect from 01/05/2017 till the date of repayment.


(M.R. Kamble) 11/9/2019

Chairman
KRERA