

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 4<sup>th</sup> of February 2021

<b>Ref:</b>	<b>CMP/200224/0003492</b>
<b>Complainant:</b>	<b>Mrs. Kanika Masand</b> S-204, Ajmera Infinity Electronic City Ph 1 Neeladri, Bangalore Urban - 5600100.
<b>Promoter / Project Name:</b>	<b>M/s Ajmera Housing Corporation.</b> Kormangala, Bangalore. <b>"AJMERA AVENUE"</b>

Complainant by name Mrs. **Kanika Masand**, Bangalore has filed a complaint against the M/s **Ajmera Housing Corporation**, Bangalore, Project **"AJMERA AVENUE"** under section 18 of the RERA Act 2016. The complainant has submitted that "from four years a legal case is going on between Ajmera Infinity Apartment Owners Welfare Association (AIAOA) and Ajmera Housing Corporation and S block owners are not still given ownership rights to amenities. We have been using through an interim order from Hon'ble High Court. Now AHC is pressurizing us to accept the violation in our Sale Deed. We are supposed to form a Separate Association under an APEX body and not a part of the rest of the blocks not a registered association as mention in our Sale Deed. We have been cheated and have been tortured for 4 years through this legal case going on and now after 4 years we are forced to accept this violation. We demand for entire refund of the money spent in buying this apartment on current rates with interest".

Notices were issued to both the parties and proceedings are conducted. Complainant & Respondent appeared through Skype. The developer submitted that the project was completed in 2014. Advocate for Respondent submitted the following:

- 1) It is submitted that the Respondent, in pursuance to the agreement to Sale dated: 14/11/2013, had executed the Absolute Sale Deed, there by confirming the delivery of the possession of the Three Bedroom residential apartment bearing No.S-204 to the complainant.
- 2) It is submitted that the Respondent did not register this project under RERA Act 2016 as the Occupancy Certificate of the Project was obtained by the Respondent on 06.08.2014 itself.

*Signature*

*Signature*

*Signature*

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- 3) It is also submitted that the Complainant has approached the Hon'ble Authority by filing for relief based on false and baseless allegations against the Respondent. The said complaint has been filed with a malafide intention of harassing and defaming Respondents and with the sole intention of making illegal monetary gains at the cost of the Respondent.

The CEO, Ajmera Housing Corporation, submitted that the issues are between owners and the association. We as developers have no role to play and Interim order in OS 250/2016 passed by the court given the right to the entire development Ajmera Infinity over 18.4 acres as "One Single Project" giving every one the right to enjoy all amenities and facilities.

It is seen that a litigation on this subject is pending before the Hon'ble High Court in CHL.P667/2017.

In view of the above, following order is passed.

**ORDER**

In exercise of power conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint filed by **Mrs. Kanika Masand**, Bangalore, bearing No. **CMP/200224/0003492** against **M/s Ajmera Housing Corporation**, Kormangala, Bangalore, is hereby dismissed since the dispute is pending before the Hon'ble High Court of Karnataka.

  
(D. Vishnuvardhana Reddy)  
Member-1  
KERA

  
( Adoni Syed Saleem)  
Member-2  
KERA

  
(M.R. Kamble)  
Chairman  
KERA