

BEFORE ADJUDICATING OFFICER RERA

BENGALURU, KARNATAKA

Complaint No. CMP/180617/0000922

Date: 15th OCTOBER 2018

Complainant : CHIDANAND B HATTI
251, 3-1, 1st A Cross,
Near Shiva Temple,
Basava Samithi Layout,
Vidyaranyapura,
Bengaluru - 560097.

AND

Opponent : Mohan Manohar Mungale,
The Orchard
HMT factory main road,
II stage, Jalahalli,
Bengaluru - 560013

J U D G E M E N T

Shivananda B. Hatti has filed this complaint under Section 31 of RERA Act against the project "The Orchard" developed by M/s Shiv Parvati Constructions., bearing

Complaint no. CMP/180617/0000922. The facts of the Complaint are as follows:

I booked flat is Sep 2012, But till now didn't builder didn't gave flat for possession. The entire project construction was done by sep 2015 (Project was on hold for 8 months, meantime 3rd floor construction was completed), But builder is not showing interest to complete project. None of Project amenities completed. Builder is taking advantage of patience by shifting handover dates from Dec 2016 till today as well. No concrete plan to complete anything. Just delaying tactics. 6 years of wait and no hope in future, has impacted out life as well.

Relief Sought from RERA : Builder to complete or return money with 18% inter

1. After registering the case notice has been issued to parties. Parties were present on 17/07/2018. They have taken much time to come to an understanding regarding their grievances. Ultimately on 10/10/2018 the developer has filed the memo stating that he has conducted the meeting with consumer and arrived to a finding. The same is as under:

It is agreed between us that, I am ready to pay settlement amount against your claim of Rs. 9,00,000/- i.e (Rupees Nine Lakhs Only) to you and ready to settle your accounts. This amount will be paid to you in the month of Feb 2019 as

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15/10/18

the priority of funds will be utilised towards entire project completion first.

It is also agreed and discussed between us that the project will be completed by end of Dec 2018 in all respect except the following things,

- 1. North side Compound wall as there is a court stay under case no - 1801 of 2013. Till that time 4 meters of driveway will be provided on the Northern side.*
- 2. Second Lift for all the buildings will be installed at a later stage & will be the last activity.*
- 3. OC - will be provided after the Court case 1801 of 2013 is closed.*

With this understanding we can jointly submit the Minutes of our meeting to the Hon. RERA Legal Adviser. Failing to Dec 2018 timeline, we are ready to pay EMI for the delay till as agreed above.

Payments will be made in the following manner 50% by end of Dec 2018 and Balance 50% by end of Feb 2019.

On enquiry the consumers has agreed and put the signature accepting the terms offered by the developer. I am satisfied with the answer given by the parties and therefore I am going to pass the award based upon their commitment.

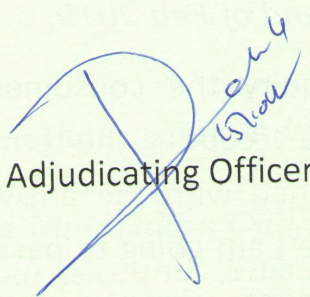
1. As per section 71(2) of RERA the complaint shall be disposed off by the Authority within 60 days from the date of receipt of the complaint. This complaint was filed on 17/06/2018. As per SOP, 60 days shall be computed from the date of appearance of the parties. In this case the parties were present on 17/07/2018. After appearance, the parties have taken some time to come to understating as above. Hence there is a little delay in closing the complaint. With this observation I proceed to pass the order.

ORDER

The Complaint No. CMP/180617/0000922 has been closed on account of the Memo of settlement filed on 10.10.2018

Intimate the parties regarding this order.

(Typed as per dictation Corrected, Verified and pronounced on 15/10/2018)


Adjudicating Officer