

(04)

BEFORE ADJUDICATING OFFICER, RERA
BENGALURU, KARNATAKA

Presided by:- Sri. K.PALAKSHAPPA
Adjudicating Officer.

Complaint No. CMP/180925/0001320

Date: 03th JANUARY 2019

Complainant

: KAUTILYA VATS
180, Dwarikapuri, Uttar Pradesh,
Muzaffarnagar – 251001.

AND

Opponent

: GOLDEN PANORAMA,
GOLDEN GATE PROPERTIES Ltd.,
80 Feet Road, 8th Block, Koramangala,
Bengaluru -560095.

J U D G E M E N T

1. Kautilya Vats has filed this complaint under Section 31 of RERA Act against the project "GOLDEN PANORAMA" developed by GOLDEN GATE PROPERTIES Ltd., bearing complaint no. CMP/180925/0001320. The brief facts of the complaint is as follows:

*Booked Apartment No . 2043 in Tower 2 on
the 4th Floor in Golden Panorama under buy*

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03/01/19

back plan from the Golden Gate builder. As per contract builder was supposed to pay pre EMI and buy back the apartment. Builder is not responding to emails and phone calls now.

Relief Sought from RERA : Builder to pay emi and buy back the apartment

2. In pursuance of the summons issued to the parties the Complainant was not present but his friend was present on 11/10/2018. One Mr. Shiva Prasad representing the Developer was present. Later the Complainant was represented through his authority holder by name Mr. Venkataraman.
3. The Complainant has sought for the relief of payment of EMI and buy back the Apartment. Though the Developer has represented at the 1st instance but failed to appear on further hearings. The Complainant has given a letter with respect to details of transactions done with the Developer. The contents of the letter are as under:

I would like court to pass the judgement for:

- a. Order builder to pay outstanding and future EMI
- b. Provided the interest for the EMIs which have not been reimbursed
- c. Compensate for the hardship and stress we had to go through during this process
- d. Buy back the apartment and provide Rs.14,13,762/- and clear the pending loan amount from the bank. (Housing loan is provided by Punjab National Bank and loan number is HOU/BAN/0817/423605.)

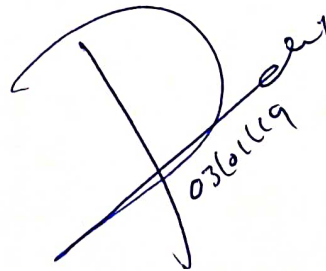
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(52)

e. The details of EMI paid by the complainant is as under:

Rs. 38,619/- on 26/12/2017, Rs.38,029/- on 10/01/2018, 12/02/2018, 12/03/2018, 10/04/2018, 10/05/2018, 11/06/2018, 10/07/2018, 10/08/2018, Rs.38,624/- on 30/09/2018 and Rs.38,029/- on 10/10/2018.

4. The parties have entered into agreement on 05/08/2017 since the Developer has failed to reimburse the pre EMI commencing from December 2017 and as such he has filed this Complaint. I find no good reasons in dismissing the Complaint. The above said letter clearly indicates the intension of the Developer.
5. As per S.71(2) RERA, the complaint shall be closed within 60 days from the date of filing. This complaint was filed by the complainant on 25/09/2018. As per the SOP the 60 days be computed from the date of appearance of parties. In this case the parties have appeared on 11/10/2018. After hearing the parties the case was reserved for orders. Hence, there is little delay in closing the complaint With this observation I proceed to pass following order.

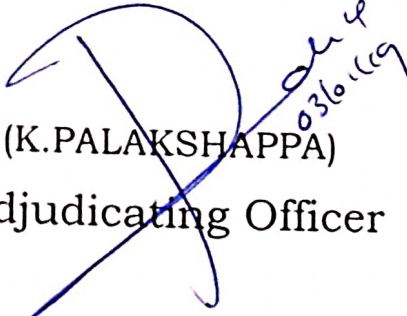

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ORDER

- a. The Complaint No. CMP/180925/0001320 is allowed by directing the developer to return the amount of Rs. 7,06,881/-
- b. Further the developer is directed to give interest by way of compensation @ 10.25% on the sum of Rs. 99,361/- from 23/05/2017 and at the rate of 10.25% simple interest on Rs. 6,07,520/- commencing from 03/06/2017 till the realisation.
- c. The developer is also directed to discharge the loan amount with all EMI. In case the EMI is paid by complainant that amount should be returned to the complainant.
- d. The developer hereby directed to give the necessary documents to enable him to take the GST amount from the Government in case the developer has already paid the same to the Government.
- e. The complainant is hereby directed to execute by cancellation documents after discharge the whole amount by the developer.

Intimate the parties regarding the Order.

(Typed as per Dictated, Verified, Corrected and Pronounced on 03/01/2019)


(K.PALAKSHAPPA)
Adjudicating Officer