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"I (Sunand Albert Martin) booked a flat (F-102) on 06/06/2017 in Aryan Golden Arena, Sarjapur-Atibelle Road. The flat was booked through a property consultancy named SquareYards, Bangalore. I was offered a scheme of "no pre-EMI till possession" that is the EMI for the above mentioned project will begin only after possession of the flat. The loan for the flat was borrowed from India Bulls, which was sanctioned on 14/06/2017. From January 2019, the bank has started pre-EMI deductions from my account. I would like to bring to your notice that the construction at the above mentioned site is not in progress. As I am not satisfied with the construction progress, I would like to cancel the booking of the flat. I want the refund of the payment made for the booking, pre-EMI deducted till date and home loans closed

Relief Sought from RERA: Cancellation, Refund, Home Loan to be closed"

2. In pursuance of the notice issued by this Authority, on 27/02/2019 the complainant was present but respondent did not, when the case was called. One more notice was issued to the developer, but the developer never appeared even though this case was called on 1/3/2019, 27/3/2019 and on 10/4/2019.
3. The complainant has filed this complaint for cancellation of agreement with refund. He has booked flat bearing No. F-102. The complainant has given a Memo of Calculation.

[Handwritten signature]
30/06/19

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paid

2019 - RS. 11,893

- According to complainant, EMI till Possession of the flat has started deduction of the amount. There is no progress in the matter. Complainant to go to the court. There is no Agreement.

Don't

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5. AS per S.71(2) RERA, the complaint shall be closed within 60 days from the date of filing. This complaint was filed on 28/01/2019. As per the SOP the 60 days be computed from the date of appearance of parties. In this case the developer never appeared. Hence the complaint is being disposed with no delay. With this observation I proceed to pass the order.

ORDER

1. The complaint no. CMP/190128/0001985 has been allowed by directing the developer to return the amount of Rs. 1,49,563/- . The developer is directed to pay the simple interest at the rate of Rs. 10.75% p.a. till the realisation entire amount from 06/06/2017.
2. The developer shall also discharge loan amount along with EMI, interest and process fee if any.
3. The complainant is hereby directed to execute the cancellation deed in favor of the Developer after the entire amount has been realized.
4. The developer also directed to pay Rs.5,000/- as cost of this petition.

Intimate the parties regarding this order.

(Typed as per dictation Corrected, Verified and pronounced on 30/04/2019)

K.PALAKSHAPPA
Adjudicating Officer