

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 19th of AUGUST 2020

Ref:	CMP/191106/0004633 OF 2019
Complainant	Sri.Pramod Gopinathan, Aged about 35 years, R/at House No.004, Vmaks Height Apartment, Hilalige Road, Electronic City Phase-II, Electronic City, Near Meridian South Restaurant, Bangalore - 560 100. Mob: 95069-58015
Respondents	1) M/s. VMAKS Builder Pvt Ltd Represented by its Managing Director Shri.R.Mahesh Babu, No.1(123), 14 th Main, 16 th 'B' Block, Jayanagar East, Bangalore - 560 011 Tel: 080-22440237 2) M/s. Anandrathi Global Finance Ltd Associate Director Shri. Karthik Vasudevan, 4 th Floor, Bikaner Pinnacle, No.1, Rhenius Street, Off: Richmond Road, Bangalore - 560025 Mob: 9509645285

FACTS OF THE CASE:

The complainant filed the online complaint on 06.11.2019 under section-31 of the RERA Act against the Developer VMAKS Builders Pvt Ltd, who is developing the project VKAMS heights and has also filed a written complaint, alleging the following:

- The Complainant is the owner of Apartment No. 004, which was duly registered vide Book I, Doc No.2421/2017-18 before the Sub Registrar, Anekal on 16/28/2017.
- The Builder has not so far obtained the Occupancy Certificate for the said project and has deviated from the approved plan;

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- iii. The complainant being aggrieved had earlier approached this Authority in June 2019 with a Complaint No.CMP/190625/0003399, which was disposed off in favour of the complainant herein;
- iv. Complainant came to know in November 2019 that many apartments including his apartment No. 004 were pledged with M/s. Ananth Rathi Global Finance as security towards the amount borrowed by the builder to complete the project. As such when the financier had a lien on the units, the builder sold it to complainant, which was subsequently noticed by the complainant when a legal notice was pasted on his apartment.
- v. The Complainant has alleged that the unit sold to him has a defective title. Therefore the promoter has violated Section 11(4)(a) of the RERA Act. The title to the apartment sold to him being defective it is not marketable.
- vi. Since Ananth Rathi is a financier of this project, the said financier has created a charge on the said mortgaged units. To confirm the same the complainant sought details from the Builder and Financier to get clarity on the issue;
- vii. That the Builder/Respondent in connivance with the said financier, are trying to extort money from him by way of legal notice, as stated supra and harassing him and further both the builder & financier have been evading phone calls and not providing the details, hence both have been arrayed as Respondents to this complaint.

Reliefs sought:

- a) To direct the builder to clear all the charges on this unit created by the financier and to discharge every financial obligation/s pending

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on this unit 004 and to provide clear and marketable title to his property free from all liens, encumbrances, limitations / obligations;

- b) To direct the builder to get a No Due Certificate from the financier of this project for his apartment No. 004 and to;
- c) Award a compensation of Rs 10,000/- to the complainant for his mental pain and agony.

The Authority issued notice to the parties and on 14.1.2020 complainant was present and the respondent was absent, again a notice was sent on 16.1.2020, calling upon the parties to be present on 30.1.2020, on which date the complainant was present and the respondents were absent. The case was Adjourned to 12.2.2020 at 11.30 a.m.

Respondent No.1 was appeared through its counsel, who filed the vakalath on 27.2.2020 and filed the memo by attaching 5 documents for the perusal of this authority.

The counsel for Respondent No.2 filed the vakalath on 5.3.2020 as well as Memo for dismissal as he is not privy to the transaction and further the complaint has been filed U/S.31 against the first respondent. The counsel for the second respondent requested for dismissal of the claims against the respondent No. 2 Anand Rathi.

The complainant filed his objections to the above Dismissal Memo requesting this Authority to continue the finance years as a necessary party for adjudicating his claims.

However the complainant/petitioner filed a Memo dated 12.6.2020 for withdrawal of petition on the ground that the 2nd respondent has come forward for a settlement and has settled the matter amicably by providing NOC and hence urges for withdrawal of the complaint.

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It is seen from the records that the respondent No. 2, Anand Rathi, vide his letter dated 19.02.2020 addressed to the promoter as stated that there is no outstanding due as against apartment No. 004. Further he has stated that he has released the charge on the said unit.

The complainant vide his letter dated 3.6.2020 addressed to the Respondent No. 2 has stated that he has not grievance for complaint against him and therefore has unconditionally withdrawn the complaint filed before this Authority.

Thereafter the complainant vide his memo dated 11.6.2020 has submitted to the Authority that the matter has been amicably settled between the parties and has requested this Authority to allow him to withdraw the said complaint.

Considering the above facts, circumstances and documents on record submitted by both the parties, we pass the following order.

ORDER

In view of the MEMO of withdrawal dated 11.06.2020 filed by the complainant before this Authority, the complaint bearing No. CMP/191106/0004633 is herewith treated as withdrawn under Section 31 of the Real Estate (Regulation and Development) Act, 2016.


(Adoni Syed Saleem)
Member – 2
KRERA


(D. Vishnuvardhana Reddy)
Member-1
KRERA


(M.R Kamble)
Chairman
KRERA