

BEFORE ADJUDICATING OFFICER, RERA
BENGALURU, KARNATAKA

Presided by: Sri K.Palakshappa

Adjudicating Officer

Complaint No. CMP/190211/0002081

Dated: 23rd April 2019

Complainant : DEEPAK KOLLABATHULA
#28, 1st cross, Chinnamma Layout,
Cholanayakanahalli, R T nagar
Bengaluru Urban, Karnataka
560032

AND

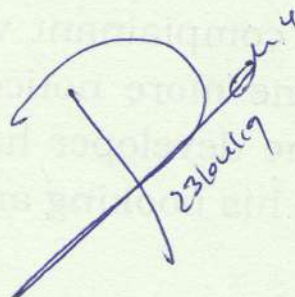
Opponent : Skylark Ithaca
Skylark Mansion Pvt. Ltd.,
Skylark Chamber, Ulsoor Road,
Bengaluru Urban, Karnataka-
560042

J U D G E M E N T

1. Deepak Kollabathula, complainant under complaint no. CMP/190211/0002081 has filed this complaint under Section 31 of RERA Act against the project "Skylark Ithaca" developed by Skylark Mansion Pvt. Ltd., as he is the consumer in the said project. He prayed for refund of his booking amount Rs.1,00,000/- with interest.
2. In pursuance of the notice issued by this authority, on 6/3/2019 the complainant was present but developer did not appear. One more notice was issued and as such on 21/3/2019, the developer has appeared. The complainant has sought for his booking amount with interest.

A handwritten signature in blue ink, followed by the date '23/04/19' written vertically.

3. The developer has not filed any written objection but orally raised the objection.
4. Heard the arguments.
5. The complainant has produced the receipt dated 2/9/2018 for having paid the amount towards purchase of flat no. T-12-303, I would say that the claim made by the complainant has not been specifically denied. The receipt produced by the complainant proves his case. But the complainant booked the flat in the month of September 2018 but cancelled within a short period. Therefore, I say that the complainant may be ordered to take the refund with condition.
6. Before passing the final order I would like to say that 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 11/2/2019. As per SOP, 60 days shall be computed from the date of appearance of the parties. In this case the Complainant was present on 06/03/2019. It means the case is being disposed off within 60 days. With this observation I proceed to pass the order

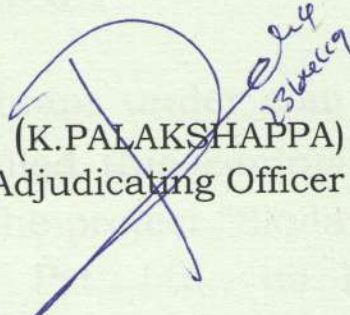

23/06/19

ORDER

The Complaint filed by the complainant bearing No. CMP/190211/0002031 is allowed by directing the developer to return of Rs. 1,00,0000/- paid in pursuance of the purchase of the flat within 30 days from today, if not it will carry interest @10.75% P.A from 31st day.

Intimate the parties regarding this order.

(Typed as per dictation Corrected, Verified and pronounced on 23 /04/2019)


(K.PALAKSHAPPA)
Adjudicating Officer