

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
Karnataka Real Estate Regulatory Authority, Bengaluru
ನಂ: 1/14, ನೆಲಮಹಡಿ, ಸಿಲ್ವರ್ ಜ್ಯೂಬಿಲಿ ಬ್ಲಾಕ್, ಯುನಿಟಿ ಬಿಲ್ಡಿಂಗ್ ಹಿಂಭಾಗ, ಸಿ.ಎಸ್.ಐ.ಕಾಂಪೌಂಡ್,
3ನೇ ಕ್ರಾಸ್, ಮಿಷನ್ ರಸ್ತೆ, ಬೆಂಗಳೂರು-560027.

BEFORE ADJUDICATING OFFICER, RERA

BENGALURU, KARNATAKA

Presided by Sri K.PALAKSHAPPA

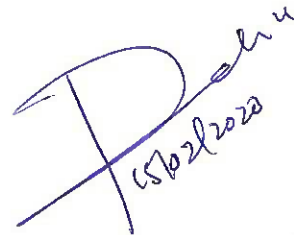
Adjudicating Officer

Date: 15th February 2020

Complaint No.	CMP/181219/0001779
Complainant	V.S.Hegde, No.57, 2 nd Floor, 9 th Main Road Srirampuram, Bangalore-560021
Opponent	TGS Construction Pvt.Ltd., No.L-142, 5 th Avenue, Ground Floor, 5 th Main Road, 6 th Sector, HSR Layout, Bangalore-560102 Rep.by Managing Director Smt.Dr.Mandeep Kaur

“J U D G E M E N T”

1. V.S.Hegde, Complainant has filed this complaint bearing complaint no.CMP/181219/0001779 under Section 31 of RERA Act against the project TGS-Melbourne, developed by ‘TGS Construcitons Pvt. Ltd.’. The complainant is seeking refund of his amount of Rs. 10,20,000/-. As this complaint is filed against an unregistered project, hence the authority has taken steps to issue notice to developer asking him to register the project. But he had not at all appeared before this authority. However, complainant has filed complaint for the relief of refund and hence, the case is transferred from Secretary to this authority on 13/12/2019.


15/02/2020

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು

Karnataka Real Estate Regulatory Authority, Bengaluru

ನಂ: 1/14, ನೆಲಮಹಡಿ, ಸಿಲ್ವರ್ ಜ್ಯೂಬಿಲಿ ಬ್ಲಾಕ್, ಯುನಿಟಿ ಬಿಲ್ಡಿಂಗ್ ಹಿಂಭಾಗ, ಸಿ.ಎಸ್.ಐ.ಕಾಂಪೌಂಡ್,
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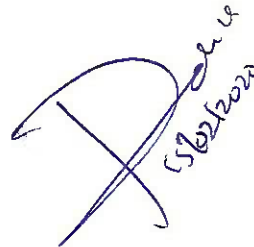
2. After receipt of the complaint, notice has been issued to the parties. The complainant has appeared in pursuance of the summons issued by this authority and the developer remained absent.
3. The complainant submits that he is entitled for refund of Rs.10,20,000/- from the developer.
4. Heard the arguments.
5. The points that arise for consideration is as to:

Whether the complainant is entitled for the refund
of the amount as prayed in the complaint?
If so, What is the order?

6. My answer is affirmative for the following

REASONS

7. The complainant has entered into agreement of sale with the developer on 05/07/2015 under which he has paid Rs.10,20,000/-. But the developer has failed to complete the project even he has not registered his project before this authority. The amount has been received in the month of July 2015 till this date there is no completion of the project. It was agreed that within 18 months ie., on or before 05/05/2018 the project will be completed. Therefore, this complaint has been filed for which the developer never answered. When that being the case, the award has to be passed in favour of the complainant since his allegations are not at all disproved. Further the complainant has produced the documents for the proof of his case.


5/2/2020

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು
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8. As per sec.71(2) of the act, the complaint shall be disposed within 60 days from the date of receipt of the complaint. This complaint was filed on 19/12/2018 against an unregistered project. Therefore, the authority had taken measures to issue notice to the developer to register the project. As per the case papers the developer has failed to appear. Therefore, Secretary has sent this complaint to this authority on 13/12/2019 and afterwards notice has been issued to the parties. Therefore the question of delay does not arise and accordingly, I proceed to pass the following

ORDER

- a. The Complaint filed by the complainant bearing No.CMP/181219/0001779 is hereby allowed.
- b. The developer is hereby directed to return Rs.10,20,000/- to the complainant.
- c. The developer is hereby directed to pay interest @ 9% p.a. on the respective amount paid on the respective date till 30/04/2017 and @ 2% above MCRL of SBI from 01/05/2017 till realization of the entire amount.
- d. The complainant is hereby directed to execute cancellation deed after receipt of the entire amount.
- e. The developer is hereby directed to pay Rs.5,000/- towards cost of the petition.

Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 15/02/2020).

K. PALAKSHAPPA
Adjudicating Officer

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