

BEFORE ADJUDICATING OFFICER, RERA

BENGALURU, KARNATAKA

Presided by:- Sri. K.PALAKSHAPPA

Adjudicating Officer.

Complaint No. CMP/180918/0001287

Date: 14th JANUARY 2019

Complainant : B.S. MURALIDHARA
No.13, 3rd Main, 11th Cross,
Shreyas Colony, JP Nagar 7th phase,
Bengaluru- 560078

AND

Opponent : Raghavendra Reddy
RADIANT ELITAIRE
RADIANT STRUCTURES Pvt. Ltd.,
No 590, 14th Cross, J P Nagar I Phase,
Bengaluru -560078

J U D G E M E N T

1. **B.S. MURALIDHARA** has filed this complaint under Section 31 of RERA Act against the project "**Radiant Elitaire**" developed by RADIANT STRUCTURES Pvt. Ltd., bearing complaint no. CMP/180918/0001287. The brief facts of the complaint is as follows:

1. While booking my flat, the company had promised to complete the project by End December 2016, However, the progress in Construction became extremely slow from April 2016 on-wards and till date it remains the same. 2. Even though construction being very slow MD of the company by making false promises, made me to part with 90% of the overall cost of the project including cost of KEB / BWSSB and other amenities by January 2017. 3. MD of the Company has been calling us for meetings, due to our follow-up. In every meeting though he has given many dates for completion for the project all of which have turned out to be false Promises. Infact, in every meeting MD went on extending the project completion date. Few of the minutes of meeting / dates provided by the builder during meeting attached herewith for ready reference. 4. Meanwhile, Radiant Structures Pvt Ltd was restructured, without informing us or the Lending Banks. Till date conditions of restructure and its effect on the project has not been made known to us. 5. Due to slow progress and lack of supervision, Quality of construction is deteriorated. 6. All the above clearly indicate that the delay in completion of project is intentional. Project to be completed within next 60 days with compensation as currently the inordinate delay in handing over of flats has caused hardship and unbearable loss both financially and emotionally.

Relief Sought from RERA : Completion in 60 days with compensation as per RERA

2. On 16/10/2018 the parties have appeared. Again the case was called on 20/11/2018 for filing objections and accordingly the Developer has filed his objections. Argument was heard on both sides.
3. Originally the complainant was present in person later he is represented by his counsel. The Complainant has sought for delay compensation and also for completion of the project. At the time of arguments it is submitted that the Complainant has paid 90% of the amount as per the agreement.

4. The Developer was expected to give the possession on or before 24/02/2019 including grace period. To this agreement the counsel for Developer has submitted that the limitation for the possession will start from the date of 30% payment made by the consumer. I would like to say that at the time of argument it was submitted to the authority that the Complainant has already paid more than 30%. However the counsel for the complainant has clearly mentioned in his written submission that the complainant has paid 30% of the amount on 24/08/2015. Therefore it was the obligation on the part of the Developer to give possession within 36 months with 6 months grace period which means on or before 24/02/2019 but in the RERA application the Developer has shown the date of his completion of the project as 31/03/2018.
5. In view of the same the complaint filed by the complainant is premature one and when it was brought to the notice of the complainant has filed a memo on 08/01/2019 where in he urges this authority to direct the developer to hand over the possession on or before 31/03/2019. Hence, instead of dismissing the complaint as premature one I think this complaint may be disposed of by giving a suitable direction.
6. As per S.71(2) RERA, the complaint shall be closed within 60 days from the date of its filing. This complaint was filed on 18/09/2018. As per the SOP the 60 days be computed from the date of appearance of parties. In this case the parties have appeared on 16/10/2018 and hence, there is little delay. With this observation I proceed to pass following order.

Devi
14/01/19

ORDER

The Complaint No. CMP/180918/0001287 is closed as it was filed as a premature one. However the developer is hereby directed to hand over the possession on or before 31/03/2019 with Occupancy Certificate or within the time extended by the authority if any.

Intimate the parties regarding the Order.

(Typed as per Dictated, Verified, Corrected and Pronounced on 14/01/2019)

(K. PALAKSHAPPA)

Adjudicating Officer