

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

BEFORE ADJUDICATING OFFICER
PRESIDED BY SRI K. PALAKSHAPPA
DATED 19th OCTOBER 2020

Complaint No.	CMP/200211/0005384
Complainant	Ashit Hegde A 3 Ratna Chs , 186 Vir Savarkar Marg, Mahim-Pin Code: 400016 State: Maharashtra District: Mumbai City In person
Opponent	Sanchaya Land And Estate Pvt Ltd No. 479,HMT Layout, R T Nagar Near, RT Nagar Bus Depot, Pin code: 560032 State:Karnataka District: Bengaluru Urban Absent

JUDGMENT

1. This Complaint is filed by the complainant against the developer seeking for the relief of refund of the mount. Her complaint reads as under:

We were promised possession in 2015 . We have not yet received possession. We asked for a refund of our money along with compensation in May 2019 . We were promised that the amount would be refunded to us by Sept 2019. The promoters now do not reply to our email and do not accept our phone calls

Relief Sought from RERA: Rs 70 lakhs (Refund + Interest + Compensation)

D. 19/10/20

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2. Since, the developer has failed to complete the project as agreed by him this complaint came to be filed. This case was called for hearing and during the course of hearing the developer has failed to appear. Hence, I have heard the arguments of the complainant.
3. The point that arise for my consideration
 - a. Whether the complainant is entitled for refund of the amount as prayed?
 - b. If yes, what is the order:

4. My answer is affirmative for the following

REASONS

5. This complaint is filed by the complainant against the developer seeking for refund of his amount. At the time of argument it was submitted that the developer has agreed to complete the project on or before 2015 but even today the project is not completed. It is alleged that the developer has agreed to refund the amount on or before Sept. 2019 but the same was also not materialized. No reasons have given by the developer for the delay.
6. As per Sec. 18 of the Act a right will accrue to the buyer either to claim delay compensation or for refund of the amount. In this case the buyer is seeking refund of the amount paid by him. Hence, the complainant is entitled for the relief of refund of the amount for the delay caused by him which covers all the allegations. In view of the same I allow this complaint in part.
7. 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 11/02/2020. Notice was issued to appear on 03/04/2020 but in the meanwhile on account of natural calamity

Devi
19/04/20

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COVID-19 the case was not called between 24/03/2020 till 17/05/2010. After lifting the lock down the case has been called through Skype. The developer has been called to file objections for which he has not filed any objections and hence judgment is being passed on merits of the case and as such this judgment is being passed with some delay. With this observation, I proceed to pass the following.

ORDER

- a. The Complaint filed by the complainant bearing No. CMP/200211/0005384 is hereby allowed.
- b. The developer is hereby directed to refund Rs. 32,00,000/- to the complainant.
- c. The developer is directed pay simple interest @ 9% on the respective amount paid on the respective date till 30.04.2017 and also @2% above the MCLR of SBI on the total amount paid by the complainant from May 2017 till the realization.
- d. The developer is also hereby directed to pay Rs.5,000/- as cost of the petition.
- e. Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 19/10/2020).


(K. PALAKSHAPPA)
Adjudicating Officer

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