

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 21th of May 2019

COMPLAINT No. CMP/180902/0001210

Mr. Vipul Jadhav

.....Complainant

Sai Savali, B/103,
Sector 19, Plot No. 22, Kharghar,
Raigad - 410210,
Maharashtra.

AND

Expact Projects and Development Pvt. Ltd

.....Respondent

The Wisdom Tree Community,
2nd Floor, Sobha Pearl, No. 1,
Commissariat Road,
Bengaluru - 560025.

The complainant in his complaint dated 02.09.2018 has stated as under:

1. That he had invested in the respondent company in 2009 but he failed to keep up his promise.
2. That it was pushing them from one project to another and finally by means of a letter they offered him a

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2BHK Apartment bearing No. 1202 2C E in wisdom tree community at Hennur, Bengaluru.

3. The said offer for apartment in bengaluru is yet to be realized because let alone a registration of sale deed, the developer has not entered into an agreement of sale.

Notices were issued to both the sides and the matter was heard. On 08.05.2019, Mr. Vipul Jadhav the complainant and Ms. Nita Nogar, General Manager on behalf of the respondent were present.

The complainant submitted that in way back 2009, he invested Rs. 15.04 lakhs in a project by name Botherwadi near pune for a plot of land. Then by letter dated 21.03.2018 the respondent/developer offered the apartment bearing No. 1202 2C E in bengaluru. The cost of the apartment was indicated as Rs. 60,72,100/- and in settlement of the earlier investment along with the compensation of Rs. 58,47,100/-, the complainant was to pay a balance of Rs. 2,13,652/- inclusive of the amount adjusted towards club house.

The complainant alleged that, in spite of the letter of confirmation for transfer of booking, by way of a compromise signed by both the complainant and the developer, no further steps were taken by the developer to enter into a formal agreement of sale.

Mrs. Nita Jose Nogar, the general manager representing the developer was present and submitted that the cost of the apartment is higher and it is not proportionate to the investment made by the complainant for the apartment proposed at bengaluru and that the

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developer had on earlier occasions had helped the parents of the complainant. On the other hand the complainant contended that the developer having signed the letter dated 21.03.2018, by way of compromise cannot go back upon the offer in view of the fact that the investment made way back in the year 2009.

Perused the documents available in the file and considered the submissions made by the parties during the hearing proceedings.

It is clear from the documents filed by the complainant and the reply given by the respondent that in fact the respondent had offered Apartment No. 1202 2C E in the project by name "wisdom tree community" at Hennur vide his letter dated 11.01.2017. Further this was confirmed by letter dated 21.03.2018. It is also a fact that sale agreement has not been entered into so far.

Sec. 13(1) of Real Estate (Regulation and Development) Act, 2016 reads as "A promoter shall not accept a sum more than 10% of the Cost of the apartment, plot or building as the case may be, as an advance payment or an application fee from a person without first entering into a written agreement for sale with such person and register the said agreement for sale, under any law for the time being in force"

It is evident in this case that the complainant has paid a sum of Rs. 58,47,100/- and the balance to be paid is Rs. 2,13,652/-. This is an admitted fact by both the parties as is clear from the letter dated 21.03.2018 initiated by the developer himself which was accepted by the complainant. In accordance with Sec. 11(4) of the Act, the promoter

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is duty bound to register the sale agreement, in favor of the purchaser, and comply with all other duties as the promoter. Hence the following order.

ORDER

In exercise of the powers conferred u/s 31 read with Sec. 34 (f) of the Real Estate (Regulation and Development) Act, the respondent/developer **Expact Projects and Development Pvt. Ltd** is hereby directed to execute and register an agreement of sale with respect to apartment bearing No. 1202 2C E situated in Wisdom Tree Community at Hennur, Bengaluru in favour of the complainant, within 30 days from the date of receipt of this order.

(Adoni Syed Saleem)

Member

KRERA

(D. Vishnuvardhana Reddy)

Member

KRERA

(M.R Kamble)

Chairman

KRERA