

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 30th of August 2019

COMPLAINANT

CMP/190305/0002311

BRIJESH S BATHIJA

No. 121, Ranka Park Apartments,
No. 6, Lalbagh Road,
Sampangirama Nagar,
Bengaluru Urban - 560027.

VERSUS

RESPONDENT


M/S ROMA BUILDERS,

P-1, Raycon Orchard Apartments,
4th Cross, A Block, AECS Layout,
Kundalahalli,
Bengaluru - 560037.

This complaint is filed against the project Roma Epicurean which is registered with RERA with Registration No. ACK/KA/RERA/1251/446/PR/180421/002186.

Brijesh S Bathija in his compliant dated 05/03/2019 has brought to the notice of this Authority, the following facts.

1. That he had purchased flat No. 207 in the project Roma Epicurean and paid the advance in 2015 and registered a sale deed in 2017 with a sale consideration of Rs. 50,02,000/-.

 30/8/19

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2. In spite of so many years, only ground floor slab is cast. There is no progress since last 2 to 3 years and is likely to take another 3 to 4 years to complete.
3. Therefore, it is requested to order refund of sale consideration along with the registration fee and also interest at the rate of 18% per annum.

Notice was issued to the respondent both by E-mail and also by RPAD, instructing him to be present on 29/05/2019.

On the date of hearing i.e., 29/05/2019, the respondent was not present. Complainant was present and submitted that though the sale deed is registered, possession of the apartment is not yet delivered and the construction is not completed. Further he submitted that the respondent was also absent on a notice issued by the Adjudicating officer. Hence the case was posted for orders.

From the sale deed produced by the complainant it is seen that the builder has received a total sale consideration of Rs. 52,02,000/- from the complainant on various dates. On page 14 of the sale deed following recital is available.

“whereas, in pursuance of the above the purchasers have requested the vendors to execute this sale deed for the scheduled B property in their favour for a total sale consideration of Rs. 52,02,000/- (Fifty two lakhs and two thousand rupees only). This sale deed is for the undivided share, right, title, interest and ownership in the schedule A property as described in the schedule B hereunder. The purchasers have paid the developer the cost of construction for the schedule C property and upon the developer completing the construction of the same, the developer has

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handed over possession of the schedule C property to the purchasers and in this manner the purchasers have derived title to the schedule C property. The purchasers agreed to abide by the rides and obligations as mentioned in schedule D, E and F herein below”.

Hence as could be seen, the construction is yet to be completed and actual possession is to be delivered to the complainant and the complainant has requested for withdrawing from the project after refund of his amount along with registration charges and also interest.

In view of the above, following order is passed.

ORDER

1. The Respondent/Promoter is hereby ordered to refund the entire sale consideration received by him within 30 days from the date of this order, if not, he should pay additionally an interest at the rate of 2% above the SBI Marginal lending on home loans from 31st day till the realization of the amount.
 - While calculating interest the promoter shall exclude the GST portion from the Amount to be paid.
 - The promoter is also directed to return the GST amount to the complainant.
2. To refund the cost of registration (Stamp duty and registration fee) of the sale deed bearing No. 2427/2017-18 registered on 16/06/2017, after duly executing a cancellation deed. The cancellation charges of the sale deed

6/30/8

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shall be borne both by the promoter and the complainant in equal proportion.

- In view of the order of cancellation of sale deed, the Authority directs the developer to pay a sum of Rs. 2,00,000/- as compensation.


(Adoni Syed Saleem)
Member-2
KRERA