

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 BEFORE BENCH 6**

**Dated 14<sup>TH</sup> NOVEMBER 2022**

**PRESIDED BY HON'BLE MEMBER SMT.NEELMANI N RAJU**

**COMPLAINT NO.: 220509/0009433**

**COMPLAINANT.....**

**MR. VISHAL SINGH  
46/A, 2<sup>ND</sup> CROSS  
JAI BHUVANESWARI NAGAR LAYOUT  
K.R. PURAM, OLD MADRAS ROAD  
BANGALORE-560036.**

**(IN PERSON THROUGH SKYPE)**

**Vs**

**RESPONDENT.....**

**SHRIVISION TOWERS PVT LTD  
40/43, 8<sup>TH</sup> MAIN, 4<sup>TH</sup> CROSS  
SADASHIVA NAGAR  
BANGALORE-560080.**

**(By Mr. Joseph Anthony, Advocate  
& others, JSM Law Partners)**

**\* \* \* \* \***

**J U D G E M E N T**

1. This complaint is filed under section 31 of the RERA Act against the project "SHRIRAM GREENFIELD PHASE 2" developed by **SHRIVISION TOWERS PVT LTD** on Sy.No.73/1, 73/2A, 74(P) & 81, Bommanahalli Village, Bidarahalli Hobli, Bangalore East Taluk, Hoskote, Bengaluru Rural District for the relief of interest on delay period.
2. This project has been registered under RERA bearing Registration No.PRM/KA/RERA/1250/304/PR/171014/001220 valid till 31/3/2021. The project was extended due to Covid-19 for a period of 9 months till

*MHS*

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31/12/2021. The Authority has further extended its registration for a further period of 12 months i.e. till 31/12/2022.

## **Brief facts of the complaint are as under:-**

3. The complainant had purchased an apartment in the project of respondent and entered into an agreement of sale and construction agreement on 03/05/2018 and has paid an amount of Rs.48,45,566/- (Rupees Forty Eight Lakh Forty Five Thousand Five Hundred and Sixty Six only) to the respondent as on 30/05/2022. The respondent was supposed to hand over the possession of the flat to the complainants by 31/03/2021 with a grace period of six months i.e. latest by 30/09/2021, but till today the respondent has not handed over the possession of the apartment to the complainant. The respondent has failed to complete the project and deliver the possession of the flat on time. The respondent has kept postponing the date of possession for one or the other reason and has defaulted on terms and conditions as agreed. The project is still not complete. Hence, the respondent is liable to pay interest on delay period.
4. After registration of the complaint, in pursuance of the notice, the respondent has appeared before the Authority through its counsel and has filed statement of objections as under:
5. The Respondent contends that the complainant is not entitled for seeking relief sought in light of the Agreement of Sale dated 03/05/2018 and submits that the delay in completion of the project was attributed to the pending litigations against the respondent before the Hon'ble National Green Tribunal in O.A.No.222/2014 as well as before the Hon'ble Supreme Court in Civil Appeal No.5016/2016 benches regarding maintenance of buffer zones where the apartment allotted to complainant

APWS

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in respect of the project was situated and on conclusion of the cases in Hon'ble NGT and Hon'ble Supreme Court, the construction proceeded.

6. The respondent submits that the project has not been completed within stipulated time due to force majeure events such as, scarcity of raw materials, non-availability of skilled labours, transport disruption or such reasons beyond the control of the respondent, and the respondent cannot be held liable to compensate the complainants under section 18(1) of RERA Act. In addition COVID-19 pandemic and the lockdown have also contributed significantly to the obstacles faced by the respondent. The respondent contends that there is no willful delay or default by the respondent in handing over the possession of the apartment to the complainants and continues to remain committed to delivering the possession to its customers. The respondent denies the allegations of the complainants and submits that the delay has been caused as a result of factors beyond the control of the respondent such as the ruling of the NGT and force majeure of the pandemic. The respondent further submits that the impact of the ruling of the NGT, New Delhi was common knowledge as the same had been extensively published in the media and the newspapers as the same was widely covered in public knowledge and prays not to grant the relief sought by the complainants in the interest of justice and equity and to dismiss the complaint.

7. In support of their defence, the respondent has submitted copies of the Agreement for Sale dated 03/05/2018, Order dated 4/5/2016 passed by the Hon'ble National Green Tribunal in O.A.No.222/2014, Order dated 5/3/2019 passed by the Hon'ble Supreme Court in Civil Appeal No.5016/2016, Sanctioned Plan dated 01/03/2016, Maps of



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Bommenahalli and Bendiganahalli villages depicting the lake, Screenshot from Google Mapos depicting the location of the project and the lake, RERA registration/extension certificates and memo of calculation as on 17/10/2022.

8. In support of his claim, the complainant has produced documents such as copies of Agreement of Sale, Customer statement of account issued by the respondent dated 4/9/2021, payment receipts and memo of calculation as on 16/7/2022.

9. Heard arguments of both sides.

**10. On the above averments, the following points would arise for my consideration:-**

1. Whether the complainant is entitled for the relief claimed?
2. What order?

**11. My answer to the above points are as under:-**

1. In the Affirmative.
2. As per final order for the following

**REASONS**

12. **My answer to point No.1:-** From the materials placed on record, it is apparent that inspite of entering into an agreement for sale to handover the apartment within 31/3/2021 with a grace period of six months i.e. latest by 30/09/2021, the respondent has failed to abide by the terms of the agreement and not handed over the possession of the apartment to the complainant till today. The complainant vide his memo of calculation as on 16/7/2022 has claimed an amount of Rs.4,22,285/- as interest on delay calculated from 31/3/2021 to 16/7/2022 and later on. The respondent

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vide its memo of calculation as on 17/10/2022 have submitted that an amount of Rs.2,75,930/- calculated from 31/12/2021 till 17/10/2022 is payable to the complainant as delay period interest. Having regard to all these aspects, this Authority concludes that the complainant is entitled for delay period interest from 30/09/2021 to 31/10/2022 and later on as submitted by the complainant.

13. Therefore, it is incumbent upon the respondent to pay interest on delay determined as under:

Payment Details			
S.NO	TYPE	AMOUNT	DATE
1	TOTAL PAYMENT TILL POSSESSION	32,65,909	30-09-2021
2	SUBSEQUENT PAYMENT 1	2,67,210	08-11-2021
3	SUBSEQUENT PAYMENT 2	2,67,211	28-12-2021
4	SUBSEQUENT PAYMENT 3	2,67,210	28-02-2022
5	SUBSEQUENT PAYMENT 4	2,67,210	06-04-2022
6	SUBSEQUENT PAYMENT 5	1,25,000	05-05-2022
7	SUBSEQUENT PAYMENT 6	2,75,816	06-05-2022
8	SUBSEQUENT PAYMENT 7	1,10,000	30-05-2022
9	TOTAL PRINCIPLE AMOUNT	48,45,566	

Interest Calculation						
S.NO	FROM DATE	TO DATE	NO. OF DAYS	MCLR RATE	INTEREST RATE	INTEREST
INTEREST CALCULATION FOR AMOUNT PAID TILL POSSESSION 32,65,909						
1	30-09-2021	30-10-2021	30	7.3	9.3 as on 15-09-2021	24,964

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2	30-10-2021	30-11-2021	31	7.3	9.3 as on 15-10-2021	25,796
3	30-11-2021	30-12-2021	30	7.3	9.3 as on 15-11-2021	24,964
4	30-12-2021	30-01-2022	31	7.3	9.3 as on 15-12-2021	25,796
5	30-01-2022	28-02-2022	29	7.3	9.3 as on 15-01-2022	24,131
6	28-02-2022	28-03-2022	28	7.3	9.3 as on 15-02-2022	23,299
7	28-03-2022	28-04-2022	31	7.3	9.3 as on 15-03-2022	25,796
8	28-04-2022	28-05-2022	30	7.4	9.4 as on 15-04-2022	25,232
9	28-05-2022	28-06-2022	31	7.5	9.5 as on 15-05-2022	26,350
10	28-06-2022	28-07-2022	30	7.7	9.7 as on 15-06-2022	26,037
11	28-07-2022	28-08-2022	31	7.8	9.8 as on 15-07-2022	27,183
12	28-08-2022	28-09-2022	31	8	10.0 as on 15-08-2022	27,737
13	28-09-2022	28-10-2022	30	8	10.0 as on 15-08-2022	26,843
14	28-10-2022	31-10-2022	3	8	10.0 as on 15-08-2022	2,684
INTEREST CALCULATION FOR 1, 3, 4 SUBSEQUENT PAYMENT 2,67,210						

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1	08-11-2021	08-12-2021	30	7.3	9.3 as on 15-10-2021	2,042
2	08-12-2021	08-01-2022	31	7.3	9.3 as on 15-11-2021	2,110
3	08-01-2022	08-02-2022	31	7.3	9.3 as on 15-12-2021	2,110
4	08-02-2022	08-03-2022	28	7.3	9.3 as on 15-01-2022	1,906
5	28-02-2022	28-03-2022	28	7.3	9.3 as on 15-02-2022	1,906
6	08-03-2022	08-04-2022	31	7.3	9.3 as on 15-02-2022	2,110
7	28-03-2022	28-04-2022	31	7.3	9.3 as on 15-03-2022	2,110
8	06-04-2022	06-05-2022	30	7.3	9.3 as on 15-03-2022	2,042
9	08-04-2022	08-05-2022	30	7.3	9.3 as on 15-03-2022	2,042
10	28-04-2022	28-05-2022	30	7.4	9.4 as on 15-04-2022	2,064
11	06-05-2022	06-06-2022	31	7.4	9.4 as on 15-04-2022	2,133
12	08-05-2022	08-06-2022	31	7.4	9.4 as on 15-04-2022	2,133
13	28-05-2022	28-06-2022	31	7.5	9.5 as on 15-05-2022	2,155

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14	06-06-2022	06-07-2022	30	7.5	9.5 as on 15-05-2022	2,086
15	08-06-2022	08-07-2022	30	7.5	9.5 as on 15-05-2022	2,086
16	28-06-2022	28-07-2022	30	7.7	9.7 as on 15-06-2022	2,130
17	06-07-2022	06-08-2022	31	7.7	9.7 as on 15-06-2022	2,201
18	08-07-2022	08-08-2022	31	7.7	9.7 as on 15-06-2022	2,201
19	28-07-2022	28-08-2022	31	7.8	9.8 as on 15-07-2022	2,224
20	06-08-2022	06-09-2022	31	7.8	9.8 as on 15-07-2022	2,224
21	08-08-2022	08-09-2022	31	7.8	9.8 as on 15-07-2022	2,224
22	28-08-2022	28-09-2022	31	8	10.0 as on 15-08-2022	2,269
23	06-09-2022	06-10-2022	30	8	10.0 as on 15-08-2022	2,196
24	08-09-2022	08-10-2022	30	8	10.0 as on 15-08-2022	2,196
25	28-09-2022	28-10-2022	30	8	10.0 as on 15-08-2022	2,196
26	06-10-2022	31-10-2022	25	8	10.0 as on 15-08-2022	1,830

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27	08-10-2022	31-10-2022	23	8	10.0 as on 15-08-2022	1,683
28	28-10-2022	31-10-2022	3	8	10.0 as on 15-08-2022	219
<b>INTEREST CALCULATION FOR 2 SUBSEQUENT PAYMENT 2,67,211</b>						
1	28-12-2021	28-01-2022	31	7.3	9.3 as on 15-12-2021	2,110
2	28-01-2022	28-02-2022	31	7.3	9.3 as on 15-01-2022	2,110
3	28-02-2022	28-03-2022	28	7.3	9.3 as on 15-02-2022	1,906
4	28-03-2022	28-04-2022	31	7.3	9.3 as on 15-03-2022	2,110
5	28-04-2022	28-05-2022	30	7.4	9.4 as on 15-04-2022	2,064
6	28-05-2022	28-06-2022	31	7.5	9.5 as on 15-05-2022	2,155
7	28-06-2022	28-07-2022	30	7.7	9.7 as on 15-06-2022	2,130
8	28-07-2022	28-08-2022	31	7.8	9.8 as on 15-07-2022	2,224
9	28-08-2022	28-09-2022	31	8	10.0 as on 15-08-2022	2,269
10	28-09-2022	28-10-2022	30	8	10.0 as on 15-08-2022	2,196
11	28-10-2022	31-10-2022	3	8	10.0 as on 15-08-2022	219
<b>INTEREST CALCULATION FOR 5 SUBSEQUENT PAYMENT 1,25,000</b>						

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1	05-05-2022	05-06-2022	31	7.4	9.4 as on 15-04-2022	997
2	05-06-2022	05-07-2022	30	7.5	9.5 as on 15-05-2022	976
3	05-07-2022	05-08-2022	31	7.7	9.7 as on 15-06-2022	1,029
4	05-08-2022	05-09-2022	31	7.8	9.8 as on 15-07-2022	1,040
5	05-09-2022	05-10-2022	30	8	10.0 as on 15-08-2022	1,027
6	05-10-2022	31-10-2022	26	8	10.0 as on 15-08-2022	890
<b>INTEREST CALCULATION FOR 6 SUBSEQUENT PAYMENT 2,75,816</b>						
1	06-05-2022	06-06-2022	31	7.4	9.4 as on 15-04-2022	2,201
2	06-06-2022	06-07-2022	30	7.5	9.5 as on 15-05-2022	2,153
3	06-07-2022	06-08-2022	31	7.7	9.7 as on 15-06-2022	2,272
4	06-08-2022	06-09-2022	31	7.8	9.8 as on 15-07-2022	2,295
5	06-09-2022	06-10-2022	30	8	10.0 as on 15-08-2022	2,266
6	06-10-2022	31-10-2022	25	8	10.0 as on 15-08-2022	1,889
<b>INTEREST CALCULATION FOR 7 SUBSEQUENT PAYMENT 1,11,000</b>						
1	30-05-2022	30-06-2022	31	7.5	9.5 as on 15-05-2022	887

ALWS

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2	30-06-2022	30-07-2022	30	7.7	9.7 as on 15-06-2022	876
3	30-07-2022	30-08-2022	31	7.8	9.8 as on 15-07-2022	915
4	30-08-2022	30-09-2022	31	8	10.0 as on 15-08-2022	934
5	30-09-2022	30-10-2022	30	8	10.0 as on 15-08-2022	904
6	30-10-2022	31-10-2022	1	8	10.0 as on 15-08-2022	30
					TOTAL DELAYED INTEREST as on 31/10/2022	4,38,714

14. Accordingly, the point raised above is answered in the Affirmative.

15. **My answer to Point No.2:-** In view of the above discussion, I proceed to pass the following order –

**ORDER**


In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No.**CMP/220509/0009433** is hereby allowed. Respondent is directed to pay a sum of **Rs.4,38,714/- (Rupees Four Lakh Thirty Eight Thousand Seven Hundred and Fourteen only)** towards delay period interest to the complainant within 60 days from the date of this order, calculated at MCLR + 2% from



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30/09/2021 till 31/10/2022. The interest due from 01/11/2022 up to the date of final payment will be calculated likewise and paid to the complainant. The complainant is at liberty to initiate action for recovery in accordance with law if the respondent fails to pay the amount as per the order of this Authority.

  
(Neelmani N Raju)  
Member-2, K-RERA

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