

8

BEFORE ADJUDICATING OFFICER, RERA
BENGALURU, KARNATAKA

Complaint No. CMP/181202/0001707

Date: 20th March 2019

Complainant : Suresh Kumar Kadambala
#12 Sai Arpan Gundappa Layout
Byrasandra CV Raman Nagar
Bengaluru -560093.

AND

Opponent : Shriram Green Field Phase 1
Shrivation Towers Private Limited,
No. 40/43, 8th Main, 4th Cross, RMV
Extension, SadashivNagar,
Bengaluru Urban, Karnataka,
560080.

“J U D G E M E N T”

1. Shri Suresh Kumar Kadambala, Complainant filed complaint bearing complaint no. CMP/181202/0001707 has filed this complaint under Section 31 of RERA Act against the project “Shriram Green Field Phase-1 developed by Shrivation Towers Private Limited as the complainant is the consumer in the said project. The complaint is as follows:

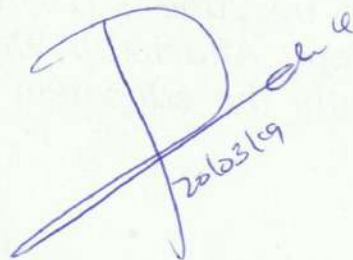
“Myself, Suresh Kumar Kadambala has entered into an agreement for construction with the promoter on 22/02/2016 agreed for the date of delivery on or before December 2017 with an additional grace period of 6 months (Clause 6.1). The promoter has communicated no delay and maintained the flat will be in habitable condition by June 2018, in their mail dated March 3rd, 2018 (Copy Attached). We planned our living and most importantly the education of our child based upon these


20/03/19

commitments. Upon repeated request post the expiry of contractual commitment, the promoter updated on August 9th, 2018, that too post the end of contractual period, that there is a delay & the flat can only be handover for fit-out by December of 2018. There is no mention of handover date with project architect's certificate on fitness for possession as per Clause 6.1 of the contract.

Relief Sought from RERA: Monetary Compensation for the delay”

2. In pursuance of the notice issued by this Authority, the parties ^{Deve} present on 04/02/2019. Heard argument on both side.
3. Complainant ^{has} sought for delay compensation as he has entered into agreement on 22/02/2016 where the developer has agreed to deliver the possession on ^{or before} June 2018 but the developer failed to give the same. Now the developer has given completion date as 31/03/2019 in RERA. It means indirectly the delay is admitted. The complainant has paid Rs. 48,15,762/- . The developer has not filed any specific objection. As per Sec. 18 if the developer fails to deliver the possession as per agreement, he is bound to pay the compensation and as such the complainant is entitled for the compensation.
4. 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 02/12/2018. As per SOP, 60 days shall be computed from the date of appearance of the parties. In this case the parties were present on 01/03/2019. Hence the complaint is being disposed of within the time. With this observation, I proceed to pass the order.


20/03/19

6

ORDER

The complaint filed by the complainant bearing no. CMP/181202/0001707 is allowed.

The developer is directed to pay delay compensation on the amount paid by him at the rate of 10.75% P.A. commencing from July 2018 till the possession is delivered.

Further to pay Rs. 5000/- as cost of the petition.

Intimate the parties regarding this order.

(Typed as per dictation, Verified, Corrected and pronounced on 20/03/2019)

Adjudicating Officer