

ಕರ್ನಾಟಕರಿಯಲ್‌ಎಸ್ಟೇಟ್ 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,
ಮಿಷನ್‌ರಸ್ತೆ, ಬೆಂಗಳೂರು-560027

BEFORE ADJUDICATING OFFICER, RERA

BENGALURU, KARNATAKA

Presided by Sri K Palakshappa

Adjudicating Officer

Date: 27TH January 2020

Complaint No.	CMP/190915/0004193
Complainant	SanjivJaiswal Definer Kingdom Apartment Near TES Polytechnic College Bengaluru-560049
Opponent	Shriram Properties No.40/43, 8 th Main, 4 th Cross RMV Extension, Sadashivnagar Bengaluru -560080 Rep. by: Sri Hegde Prakash, Advocate

"JUDGEMENT"

1. SanjivJaiswal,C; has filed complaint bearing complaint No.CMP/190915/0004193under Section 31 of RERA Act against the project 'Shriram Green Field Phase 1'developed by "Shrivision Towers Private Limited" seeking for the relief of refund of the amount paid to the developer, as the complainant is the consumer in the said project. The brief facts of the complaint is as follows:

Agreement was done on April 2016 with Dec 2017 as date of possession. I have been following with builder over mail, calls and meeting regarding possession and compensation over last 1.5 years. They had given multiple date for delivery ofphase 1 but all the deadline has been missed and till date builders is not responding for registration of flats, compensation and possession with OC. Since 1.5 years we are paying heavy EMI

Handwritten signature and date: 27/01/2020

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with interest and Rent (20K)/month. It is very difficult to manage both at some time. When I asked for compensation they agreed to pay post September 2018 with 2 month waived off as per 4 rs per sqft but as per RERA guide line the compensation should paid as per the RERA rate of interest which 10.75%. Here as a individual customer I am struggling to get commitment from builder on both compensation (as per rera) and delivery of flat with all the amenities.

Relief sought from RERA: Compensation as per ERA ROI

2. In pursuance of the summons issued by this authority, the complainant has appeared in person. The respondent has appeared through his advocate Sri Hegde Prakash.
3. I have heard the arguments.
4. The points that arise for consideration is:
Whether the complainant is entitled for compensation, if so, what is the order?
5. My answer is affirmatively for the following

REASONS

6. This complaint has been filed by the complainant against the developer seeking for delay compensation as per RERA. According to the complainant June 2018 was the last date for completion of the project, but it is the case of the complainant that the developer has not completed the project within the due date. The agreement was executed in the year 2016, but till today the complainant is without having any fruit. The developer who has represented through his advocate filed written statement. The complainant has produced necessary documents to prove his case. As per Sec.18, the consumer is entitled for the delay compensation when there is failure on the part of the

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27/01/2020

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developer to complete the project within due date as agreed in the agreement of sale. It is not the case of the developer that he has received the Occupancy certificate and as such it is proved that the project is not yet completed. The date of completion which was assured by the developer in the agreement of sale is important to determine whether the complainant is entitled for the delay compensation or not. Therefore, this complaint has to be allowed.

7. Before passing the final order I would say that as per S.71 (2) RERA, the complaint will have to be closed within 60 days from the date of filing. In this case the complaint was filed on 15/09/2019. 60 days be computed from the date of appearance of the parties. In the present case, the parties have appeared on 16/10/2019. After taking the objection statement the argument was heard and posted for judgment. Hence the complaint is being disposed of with some delay. With this observation, I proceed to pass the following

ORDER

- a. The Complaint filed by the complainant bearing No.CMP/190915/0004193 is hereby allowed.
- b. The developer is hereby directed to pay interest 2% above the MCLR of SBI on the total amount paid by the complainant commencing from July 2018 till the possession is delivered after obtaining the Occupancy certificate with all amenities.
- c. The developer is hereby directed to pay Rs.5,000/- as cost of the petition.

Intimate the parties regarding the order.

(Typed as per dictated, corrected, verified and pronounced on 27/01/2020).

K. PALAKSHAPPA
(Adjudicating Officer)

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