

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
COMPLAINT No. CMP/191030/0004208
Dated 19th AUGUST 2020

M/s. L & T Construction Equipment Limited
L & T Construction Equipment Limited – Reality
Division, Bellary Road, Byatarayanapura
Bengaluru-560 092

Complainant

AND

Mr. Arun Kumar R
No.34, 3rd Main, Ganganagar
R.T.Nagar
Bengaluru-560 034

Respondent

The facts of the case fall in a narrow compass. In this case the Complainant namely M/s. L & T Construction Equipment Limited has submitted a complaint stating that one of the Allottees namely Mr. Arun Kumar R has not paid the installments towards the apartment, in accordance with the Sale Agreement dt. 26.02.2018. It is further submitted by the Complainant-Promoter that a sum of Rs.14,21,238 was paid by the Respondent-Allottee as the initial advance for entering into the Sale Agreement and the said amount stands forfeited in accordance with the clauses of the agreement for sale, since the Respondent-Allottee has not adhered to the payment schedule and not even responded to the e-mails and letters sent by the Complainant-Promoter. The following prayer is made before the Authority:

"PRAYER

10. *In light of the above facts and circumstances, the Complainant prays before this Honb'le Authority the following:*
 - a. *direct the Respondent to come forward and execute and register Cancellation Deed to the Agreement for Sale dated 26.02.2018 or*

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- b. *Alternatively pass an order cancelling Agreement for Sale dated 26.02.2018 as null and void.*
c. *Any such appropriate order that the authority deems fit in the interest of justice."*

The case was heard on 06.02.2020 and 20.02.2020 and on both the occasions the Complainant's representative was present, but the Respondent did not appear personally or through any authorized representative.

After considering the facts of the case and the prayer of the Complainant-Promoter, the following order is passed:

ORDER

The Complainant-Promoter is at liberty to act in accordance with the law and in terms of the Agreement of Sale. The Authority is not required to give any prior approval for any action contemplated by any Promoter against any Allottee in accordance with the clauses of the Sale Agreement. Needless to say that Promoters of the Project as well as Allottees are required to comply with the provisions of the Real Estate (Regulation & Development) Act, 2016. Any aggrieved person may approach the Authority in terms of the well defined provisions of the Act, including Sec.11(5) of the Act. Accordingly, the complaint filed by the Promoter of the Project is not entertained by the Authority and treated as dismissed.


(M.R Kamble)
Chairman


(D. Vishnuvardhana Reddy)
Member 1


(Adoni Syed Saleem)
Member 2