



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.



No. RERA/Chairman/Per.Est/06/CR/2020-21

Date: 10/03/2022

NOTIFICATION

Subject: Constitution of additional benches of the Authority.

Reference: Proceedings of K-RERA dated 14/02/2022.

In notification No. RERA/Chairman/Per.Est/06/CR/2020-21, dated 02/11/2020 of the Karnataka Real Estate Regulatory Authority, Additional benches were constituted to hear and dispose of complaints. These benches were created under Section 81 of the Real Estate (Regulation and Development) Act, 2016 which is reproduced as under:-

“The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to make regulations under section 85, as it may deem necessary.”

The above order of constitution of benches became a subject matter in Writ petition in 15/2021 (GM-RES) PIL. The petitioner had questioned the manner of functioning of the Authority under plaint as contrary to and subversive of obligations under the RERA Act. When the petition was being heard, the Chairman and one Member laid down office in KRERA and the Authority was reconstituted.

During the hearing of the Writ Petition 15/2021, 14/06/2021 the Hon'ble High Court sought the present views of Karnataka RERA



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on the various aspects of writ petition including the constitution of additional benches.

As regards the constitution of benches, the Authority made a submission which is reproduced below:

"The first respondent submits that a meeting of the Authority was held on 07/06/2021 and in this meeting, a decision was taken by the Authority to hear the complaints by the Full bench of the Authority till the disposal of the present writ petition."

In the affidavit dated 02/07/2021, after the re-constitution of the Authority, all quasi-judicial matters are being decided by the full Authority.

The Hon'ble High Court in the order dated 28/07/2021 had, regarding the constitution of benches, noted that the petition challenging the constitution of benches was pending before the Hon'ble Apex Court and did not hear with the matter and the Supreme Court judgment was awaited.

The Hon'ble Supreme Court in Newtec Promoters and Developers Pvt. Ltd., in its order dated 11/11/2021 has upheld the powers of the Authority to constitute benches under Section 81 of the Act.

119. That scheme of the Act, 2016 provides an inbuilt mechanism and any order passed on a complaint by the authority under Section 31 is appealable before the tribunal under Section 43(5) and further in appeal to the High Court under Section 58 of the Act on one or more ground specified under Section 100 of the Code of Civil Procedure, 1908, if any manifest error is left

[Signature]



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by the authority, either in computation or in the amount refundable to the allottee/ home buyer, is open to be considered at the appellate stage on the complaint made by the person aggrieved.

120. In view of the remedial mechanism provided under the scheme of the Act 2016, in our considered view, the power of delegation under Section 81 of the Act by the authority to one of its member for deciding applications/complaints under Section 31 of the Act is not only well defined but expressly permissible and that cannot be said to be de hors the mandate of law.

Further the Hon'ble Supreme Court also considered the issue of the jurisdiction of the Authority and the Adjudicating Officer under Section 12, 14, 18 and 19 passed the order.

"From the scheme of the Act of which a detailed reference has been made and taking note of power of adjudication delineated with the regulatory authority and adjudicating officer, what finally culls out is that although the Act indicates the distinct expressions like 'refund', 'interest', 'penalty' and 'compensation', a conjoint reading of Sections 18 and 19 clearly manifests that when it comes to refund of the amount, and interest on the refund amount, or directing payment of interest for delayed delivery of possession, or penalty and interest thereon, it is the regulatory authority which has the power to examine and determine the outcome of a complaint. At the same time, when it comes to a question of seeking the

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relief of adjudging compensation and interest thereon, under Sections 12, 14, 18 and 19, the adjudicating officer exclusively has the power to determine, keeping in view the collective reading of Section 71 read with Section 72 of the Act. If the adjudication under Sections 12, 14, 18 and 19 other than compensation as envisaged, if extended to the adjudicating officer 54 as prayed that, in our view, may intend to expand the ambit and scope of the powers and functions of the adjudicating officer under Section 71 and that would be against the mandate of the Act 2016."

After the pronouncement of the Hon'ble Supreme Court Judgment (supra) more than two thousand cases which were being heard by the Adjudicating Officer are being transferred to the Authority.

Further, many cases which were disposed of by Adjudicating Officer and were pending before Karnataka Real Estate Appellate Tribunal were also set aside with a direction to the Authority to hear the parties and adjudicate the complaints by the Authority.

Now, there is an urgency to constitute additional benches to hear and adjudicate the large number of complaints pending before the Authority. Hence, Authority considered this issue in its meeting dated 14/02/2022 and decided to constitute the following benches apart from the full bench consisting of Chairman, Member-1 and Member-2. Having regard to the above legal and functional aspects of the work of the Authority and in exercise of the powers vested with the



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Authority u/s 81 of the Act, the following additional benches are constituted with effect from 14/03/2022 and until further orders:

1. First Additional Bench / Bench 1:- Consists of H.C. Kishore Chandra, Chairman and D. Vishnuvardhana Reddy, Member-1.
2. Second Additional Bench / Bench 2:- Consists of H.C. Kishore Chandra, Chairman and Neelmani N Raju, Member-2.
3. Third Additional Bench / Bench 3:- Consists of D. Vishnuvardhana Reddy, Member-1 and Neelmani N Raju, Member-2.
4. Fourth Additional Bench / Bench 4 :- H.C. Kishore Chandra, Chairman
5. Fifth Additional Bench / Bench 5 :- D. Vishnuvardhana Reddy, Member-1
6. Sixth Additional Bench / Bench 6 :- Neelmani N Raju, Member-2

Sd/-
(Neelamani N Raju)
Member-2
K-RERA

Sd/-
(D. Vishnuvardhana Reddy)
Member-1
K-RERA

Sd/-
(H.C. Kishore Chandra)
Chairman
K-RERA


10/3/22
(IBRAHIM MAIGUR)
Secretary
K-RERA