

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-4

Dated 17th October 2022

Present

SHRI. H.C. KISHORE CHANDRA, CHAIRMAN

COMPLAINT No: CMP/UR /210831/0008286

COMPLAINANT....

R. Santosh & others

#100, 4th Main Road
East, Kathriguppe 3rd Phase
Banashankari 3rd Stage
Bengaluru-560 085

**(represented by Mr. E. Suhail
Ahmed, Advocate)**

V/S

RESPONDENT.....

1. Patel Kanthibhai Ambalal

No: 1091, 18th "B" Main
Road, 5th Block,
Rajajinagar, Bengaluru-10

2. M/s Nishita's Homes

Nishitha Honey Square
Nos. 10,11,12,13, 17th B
Cross, 13th Main, J.P. Nagar
5th Phase, Bengalure.

(exparte)



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INTERIM ORDER

1. Mr. R. Santosh & others have filed a complaint under section 31 of the RERA against the respondent/ promoter of “**Nishita’s Honey Square**”. The promoter has developed a project known as “ **M/s Nishita’s Home**” in the limits of site bearing Corporation Nos.121, V.P. Katha No.121 situated at Sarakki Agrahara, Bengaluru earlier within the jurisdiction of CMC, presently Katha No. 17/17/23/231/232/233/121/101.10.11.12.13 all the properties totally measuring about 11972 sq.ftt. This complaint is registered in complaint No. **CMP/UR /210831/0008286**.
2. This project has not been registered under RERA.
3. The gist of the complaint is that the complainant herein are allottees in Nishita’s Honey Square, constructed by 2nd respondent on land owned by 1st respondent. The respondent-2 is obligated to deliver the project within 18 months from the agreements. However, even after collecting cent percent advance sale consideration from allottees and executing sale deeds, the respondent has misrepresented the allottees that the project would be delivered soon but failed to do so. Having no other alternative, complainants with few other allottees approached 1st respondent proposing to contribute additional money to complete the project. Though the 1st respondent was promised to do so under MOU dated 27.03.2018, he too failed to do so. On the other hand, the project is on going but the 2nd respondent has failed to register it with this Hon’ble Authority under section of RERA. Hence, the complainants have sought relief from RERA for registration, completion and handing over of the project. Hence, this complaint.

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4. After registration of the complaint, in pursuance of notice served, respondent had abstained from appearance before the Authority during the proceedings held on 12/08/2022, 23/09/2022, and on 14/10/2022, whereas the advocate for the complainant did appear before this Authority and was granted exemption from appearance on 29.08.2022. Advocate for respondent-1 has also appeared before this Authority on 14.10.2022

5 In support of his claim, the complainant has produced documents such as, Copy of joint development agreement (b) General power of attorney (c) Agreement of Sale (d) Memorandum of Understanding

5. This project has not been registered under RERA. At this stage, it is just a necessary to pass an interim order directing the promoter to get registered the project immediately. Action should be initiated against the promoter as required under Section 59 of the Act for violation of Section-3 of the Real Estate (Regulation and Development) Act, 2016. Hence, I am of the opinion that it is necessary to pass an interim order directing the respondent/promoter to register the project immediately under RERA.

INTERIM ORDER

The respondent/promoter, **M/s Nishita's Homes**, Nishitha Honey Square, No: 10,11,12,13, 17th "B" Cross, 13th Main, J.P. Nagar 5th Phase, Bengaluru is hereby directed to register the project under RERA immediately under section 3 of the Real Estate (Regulation and Development) Act, 2016, within two weeks from the date of this order.

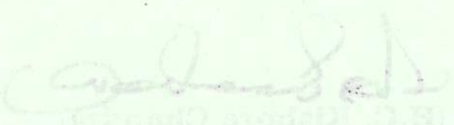

(H.C. Kishore Chandra)
Chairman
K-RERA

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The undersigned, Mr. S. Srinivas Kumar, Chairman, Karnataka Real Estate Regulatory Authority, Bangalore, do hereby certify that the above mentioned details are correct and true to the best of my knowledge and belief.


S. Srinivas Kumar
Chairman
K.R.E.R.A.