

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 18th October 2022

Present

SHRI. H.C. KISHORE CHANDRA, CHAIRMAN

COMPLAINT No: CMP/UR /201213/0007243

COMPLAINANT....

**Madhusudhan Thyamagondlu
Rajanna**

No: 13,3rd Main, 3rd Cross
Netaji Road, Javaraiiah Garden
Thyagarajanagar
Bengaluru-560 028

(In person)

V/S

RESPONDENT.....

M/s 5 Elements Realty

Aditya Harmony
Kanakapura Road
Vakil Garden City
Thalaghattapura
Bengaluru-560 062

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INTERIM ORDER

1. Mr. Madhusudhan Thyamagondlu Rajanna had filed a complaint under section 31 of the RERA against the respondent/ promoter of “**5 Elements Realty**”.
2. The promoter has developed a project known as “**Aditya Harmony**” in the limits of Thalagattapura Village, Uttarahalli Hobli, Bengaluru South Taluk. This complaint is registered in complaint No. **CMP/UR /201213/0007243**.
3. This project has not been registered under RERA.
4. The gist of the complaint is that the complainant is the owner of the flat No. 014 in the project “**Aditya Harmony**”. The complainant is facing parking issue due to the insufficient parking space allocated by the builder. As per the plan shown to the complainant at the time of booking the apartment, ~~the parking has not been allocated in the same manner and the parking space that is allocated to him was very congested to park or to take out the vehicle. This issue was addressed to the builder on several occasions but the builder has failed to resolve this issue and has not taken any action from the past 2 years. The parking space given to him does not comply with the standards based on the parking area shown as per the approved plan by Joint Commissioner, BBMP, RR Nagar, Bengaluru. As per the approved plan, the total number of flats was 56 whereas the parking slots were 62. The builder has been selling the remaining 6 parking space to the residents~~

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of Aditya Harmony. The flat was purchased in the year June, 2018 but the complainant was forcefully asked to pay the tax amount for both 2017 and 2018 respectively. It is contended that the builder has refused to clear all the dues when he questioned the same. The complainant has sought relief from RERA for minimum car parking size needs to be allotted to him by the builder as per the given dimensions defined in RERA. Hence, this complaint.

5. After registration of the complainant, in pursuance of notice served, the respondent was appeared before the Authority during the proceedings held on 26/08/2022, 26/09/2022 and remained absent on 12/08/2022 and on 17/10/2022. The complainant too did appeared on 12/08/2022, 26/08/2022, 26/09/2022 and remained absent on 17/10/2022.
6. In support of his claim, the complainant has produced document such as Absolute Sale Deed dated 02/07/2018.
7. 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.




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3rd Cross, Mission Road, Bengaluru-560027

INTERIM ORDER

The respondent/promoter, **M/s 5 Elements Realty, 303, Brigade Corner, 110/73, 7th Block, Jayanagar, Bengaluru-560 070** 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