

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

Complaint No. CMP/UR/190512/0002990

Dated 4th November 2022

Present

Shri. H.C. Kishore Chandra, Chairman

COMPLAINANT....

Deshbhushan.

A-209, Samethana Lakefront
Samethanahalli
Bengaluru-560 067

(IN PERSON)

V/S

RESPONDENT.....

1. Mansur Hussain

No.L4-09, Skywalk
No. 5/1, Assaye Road
Ulsoor, Bengaluru-560 042

2. Himanshu Gupta

Arya Hub, F407, Hope Farm
Whitefield
Bengaluru-560 066.

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INTERIM ORDER

1. The complainant has filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “ **Splendid Square**” developed by the promoters in the limits of Pattandur Agrahara Village, Krishnarajapuram Hobli, Bengaluru for the relief of refund with interest.
2. This project is not registered under RERA.
3. The gist of the complaint is that the complainant herein had booked a Shop No. F-92 in the project “**Splendid Times Square** ” developed by the respondent/promoter. The respondent/promoter failed to hand over the possession of the said shop to the complainant within the stipulated timeline as per the terms of agreement. The complainant has paid substantial sale consideration to the respondent towards purchase of this shop. The complainant sought relief for a direction to the builder to refund his entire amount with interest. Hence, this complaint.
4. After registration of the complaint, in pursuance of notice served, the respondent absented from appearance before the Authority during the proceedings held on 25/07/2022, 02/08/2022, 19/08/2022, 09/09/2022, 27/09/2022 and on 28/10/2022. Whereas the complainant did present on 02/08/2022, 19/08/2022 and remained absent thereafter.
5. In support of his claim, the complainant has produced documents such as (1) complaint registration details (2) Agreement to sell (3) construction

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agreement (4) site photographs (5) Payment details against unit no.92 (5) loan transactions for Bajaj Finance (6) loan transaction for SBI.

6. In support of his defence, the respondent has not produced any documents.
7. This project has not been registered under RERA. At this stage, it is just and necessary to pass an interim order directing the promoter to get the project registered immediately. Further proceedings are required to be initiated against the promoter under Section 59 of the Act for violation of Section-3 of the Real Estate (Regulation and Development) Act, 2016. Hence, we are of the opinion that it is necessary to pass an interim order directing the respondent/promoter to register the project immediately under RERA.
8. On consideration of the submissions of the complainants, the following order is passed.

INTERIM ORDER


The Respondent/Promoter **M/s Splendid Projects/GIM Properties, having its registered office at No: L4-09, Skywalk, No. 5/1, Assaye Road, Ulsoor, Bengaluru-560 042** 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 receipt of this order.

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The Promoter is also given opportunity to submit his explanation within three weeks, as to why penalty proceedings u/s 59(1) of the Act should not be initiated for violation of Section 3 of the Act.


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