

ಕರ್ನಾಟಕ ರಿಯಲ್‌ಎಸ್ಟೇಟ್ 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 16th November 2022

Present

SHRI. H.C. KISHORE CHANDRA, CHAIRMAN

COMPLAINT No: CMP/UR /200103/0005124

COMPLAINANT....

Prashanth K.P.

#176, Vaibhav Serene
Apartment
Jeevan, Nagarbhavi Main
Road, Canara Bank Layout
Bengaluru-560 072.

(In person)


V/S

RESPONDENT.....

**M/s Sri Krishna Excel Stone
Builders & Developers
No. 128, Green Garden
Layout, Munnekolala
Bengaluru-560 037.**

INTERIM ORDER

1. The complainant Mr. Prashanth KP has filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “**Sri Krishna Excel Stone**” developed by “M/s Sri Krishna Excel Stone Builders & Developers” in the limits of Sy.No. 73/5, Balagere Village,



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Varthur Hobli, Bangalore East Taluk, Bengaluru District for the relief of refund with interest.

2. This project is not registered in RERA.
3. The gist of the complaint is that the complainant herein had entered into agreement of sale and construction both dated 05.10.2018 for the purchase of a residential apartment bearing No.103, First Floor in Block-B in Wing-“C” in the project “**Sri Krishna Excel Stone**” developed by the respondent/promoter. The respondent/promoter failed to hand over the possession of the said apartment in spite of execution of Deed of Absolute sale on 26th October 2018 by acknowledging the entire sale consideration of the said flat from the complainant. It is contended that the respondent has not obtained occupancy certificate from the competent authority, besides incomplete amenities like swimming pool, lift, common corridors, parking, club house, children play area. The complaint sought relief of refund with interest. Hence, this complaint.
4. After registration of the complaint, in pursuance of notice served, the respondent has appeared before this Authority but has not contested the matter by filing objections and producing documents on its behalf.
5. This matter was heard on 11/07/2022, 29/07/2022, 02/09/2022, 23/09/2022, 10/10/2022 and on 14/11/2022.
6. In support of his claim, the complainant has produced documents such as Agreement of sale/construction both dated 05/10/2018 (2) Absolute Sale



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Deed dated 26.10.2018. In support of defence, the respondent has not produced any documents.

7. On going through the records, it is noticed that this project has not been registered in 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 complainant, the following order is passed.

INTERIM ORDER

The Respondent/Promoter **M/s Sri Krishna Excel Stone Builders & Developers, No. 128, Green Garden Layout, Munnekolala, Bengaluru-560 037** 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.

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

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

RESEARCH REPORT

NO. 1234

BY

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