

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 16th November 2022

Present

SHRI. H.C. KISHORE CHANDRA, CHAIRMAN

COMPLAINT No: CMP/UR /200502/0005857

COMPLAINANT....

Vellenath C.

#D.No: 109/A, 3rd Floor
3rd Cross, 6th Main
Srinivasanagara
Banashankari 1st Stage
Bengaluru-560 050.

(In person)

V/S

RESPONDENTS.....

**1. Santosh Balakrishna
Shetty**

3rd Floor, Carlton Towers
A-Wing, No.1, HAL Old
Air Port Road
Bengaluru-560 008.

**2. Santosh Alexander
Benjamin,**

3rd Floor, Carlton Towers
A-Wing, No.1, HAL Old
Air Port Road
Bengaluru-560 008

Shet

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3rd Cross, Mission Road, Bengaluru-560027

3. Abraham

3rd Floor, Carlton Towers
A-Wing, No.1, HAL Old
Air Port Road
Bengaluru-560 008

(represented by Uday
Shankar Associates,
Advocates & Legal
Counsel)

INTERIM ORDER

1. The complainant Mr. Vellanath C. has filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “**Expat Crest-III**” developed by “**M/s Expat Projects and Development Private Limited**” in the limits of Kadenahallidinne Village, Gudibande Taluk, Chikballapur District, Karnataka 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 booked a property developed by Expat Projects and Development Private Limited, located near Kadenahallidinne Village, Gudibande Taluk, Chikballapur District, Karnataka. The complainant has paid Rs.2,00,000 towards advance and booked the property. As per TRA agreement, an amount of Rs.2,52,322 to be paid in installments and the complainant has finally paid an amount of Rs.4,52,322/-. The respondent is required to hand over the property by December 2018 with registration. Further, since last one year no updates

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from the company. It is contended that since the company failed to handover the possession within the prescribed timeline. Hence, the complaint sought relief of refund with interest. Hence, this complaint.

4. After registration of the complaint, in pursuance of notice served, the respondents have appeared before this Authority through their counsel and filed objections.
5. This matter was heard on 11/07/2022, 26/09/2022, 17/10/2022, and on 14/11/2022.
6. In support of his claim, the complainant has produced documents such as (1) Token Receipt Agreement dated 19.03.2015 (2) Details of payment made to the respondent. In support of defence, the respondents have 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.



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8. On consideration of the submissions of the complainant, the following order is passed.

INTERIM ORDER

The Respondent/Promoter **M/s Expat Projects and Development Private Limited, 3rd Floor, Carlton Towers, "A" Wing, No.1, HAL Old Airport Road, Bengaluru-560 008** 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