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

Complaint No. CMP/UR/211005/0008416

Dated 15th November 2022

COMPLAINANT....

Jyothi Parampalli
#956,"Nele", 25th Cross
22nd "A" Main
HSR Layout Sector-2
Bengaluru-560 102

(In person)

V/S

RESPONDENT.....

M/s The Creative Projects
No.90, Le-Chateau
Infantry Road
Bengaluru-560 001.

(Exparte)

INTERIM ORDER

1. The complainant has filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project " **The Creative Projects**" developed by the promoter in the limits of Sy.No. 108/2, Kachanayakanahalli, Jigani Hobli, Anekal Taluk, Bengaluru Distric 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 dated 07/11/2016 towards the purchase of a suite bearing No.212 in the project **"The Creative Projects"** developed by the respondent/promoter. The respondent/promoter failed to hand over the possession of the said suite to the complainant within the stipulated timeline. The complainant has paid an amount of Rs.10,17,000/- to the respondent towards purchase of this suite till October 2016. It is contended that the proprietor Rave N.D. is not traceable and his company website is also not functioning. Further, till date there has been no communication from the builder towards handing over the property to the complainant or to refund the entire amount paid by him. It is submitted that the site has been taken back by the site owner and has asked him to reach out to the project owner for any dispute. 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 08/11/2022 whereas as the complaint was present.

5. This matter was heard earlier in Bench-4 of the Authority on 12/08/2022, 29/08/2022. The respondent remained absent during the aforesaid dates of hearing whereas the complainant was present on 12/08/2022 and was exempted from hearing on 29/08/2022.

6. In support of his claim, the complainant has produced documents such as Agreement of sale dated 07/11/2016.

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 The Creative Project, #90, "Le-Chateau", Infantry Road, Bengaluru-560 001** 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.

(Neelmani N. Raju)
Member-2
K-RERA

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