

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 22nd November 2022

Present

SHRI. H.C. KISHORE CHANDRA, CHAIRMAN

COMPLAINT No: CMP/UR /210929/0008393

COMPLAINANT....

**Girish Kumar Ishwar
Tatuskar**

#H.No.7, Shri Ganesh
Krupa, Gangadhar
Colony, Sulla Road
Shanthinagar
HUBBALLI-580023

(In person)

V/S

RESPONDENT.....

**1. Anand U Habib
Gulgannavar Heights
No.69, Laxmi Balakrishna
Balakrishna Square
Station Road
Hubballi-580 020.**

**2. Shankarappa
Behind Prasanna Ganapati
Temple, Ambikanagar
Near Shantinagar Church
Keshawapur
Hubballi-580 023.**

Asst

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3. Ningappa

Behind Prasanna Ganapati
Temple, Ambikanagar
Near Shantinagar Church
Keshawapur
Hubballi-580 023.

4. Hanumanthappa

Behind Prasanna Ganapati
Temple, Ambikanagar
Near Shantinagar Church
Keshawapur
Hubballi-580 023.

5. Kalappa

Behind Prasanna Ganapati
Temple, Ambikanagar
Near Shantinagar Church
Keshawapur
Hubballi-580 023.

INTERIM ORDER

1. The complainant Mr. Girish Kumar Ishwar Tatuskar has filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “**Gulagannavar Heights**” developed by the promoter in the limits of Sy.Nos. 884B-16, 884B-17, 884B-18,884B-19, near Prasanna Ganapathi Temple, Ambika Nagar, Bengeri, Hubballi-580 023 for the relief of interest on delay period.

2. This project is not registered in RERA.

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3. Respondent no.1 is the builder and developer, respondent nos. 2 to 5 are landowners.
4. The gist of the complaint is that the complainant herein had entered into agreement of sale on 02/05/2018 for the purchase of a residential apartment bearing No."I", Second Floor in the project "**Gulagannavar Heights**" developed by the respondent/promoter. The respondent/promoter failed to hand over the possession within the prescribed timeline despite the complainant has paid an amount of Rs.3,00,000/- out of the sale consideration of Rs.21,60,500 through cheque dated 01.05.2014 to the respondent. The complainant sought relief to direct the respondent to complete the construction, hand over the possession and the compensation of interest on delay period. Hence, this complaint.
5. 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.
6. This matter was heard on 12/08/2022, 26/09/2022, 28/10/2022 and on 18/11/2022.
7. In support of his claim, the complainant has produced documents such as (1) Memo of calculation (2) Valuation certificate by Chartered Engineer(for balance work) (3) LIC Housing Finance Certificate (4) LIC Housing Finance instalment certificate from the year 2014 to 2022 (5) Sale deed dated 22.10.2021.



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

INTERIM ORDER

The Respondent/Promoter **M/s Gulagannavar Heights, near Prasanna Ganapati Temple, Ambika Nagar, Bengeri, Hubballi-580 023** 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