

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 /220504/0009413

COMPLAINANT....

Praneetha Chilumuri
#817, 17th F1 Main
6th block, Koramangala
Bengaluru-560 095.

(In person)

V/S

RESPONDENT.....

1. Prathamesh Apartments
Co-operative Housing
Society Limited
140/B/4, 9th Cross
Malleshwaram
Bengaluru-560 003

2. Sathya Murthy
140/B/4, 9th Cross
Malleshwaram
Bengaluru-560 003

(represented by Ms.Sujatha
H.H., Advocate for R1
Ms. Kumari M. Advocate
for R2)

Asst

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INTERIM ORDER

1. The complainant Mrs. Praneetha Chilumuri has filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “ **Ganesh Apartment** ” developed by “**Prathamesh Apartments Co-operative Housing Society Limited**” in the limits of Sy.No: 23, situated at Poornapura Village, Yeshwanthapura Hobli, Bengaluru North Taluk 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 has approached the respondent and shown interest to purchase the flat no.406 and paid part sale consideration amount of Rs.14,50,000/- by entering into a sale agreement registered on 24.3.2016. During the year 2019, the complainant has approached the respondent and requested to execute the Sale deed. Further, the work of the project has completely halted with no signs of any progress for the past many years. It is contended that there is nobody accountable at their end and no response to multiple phone calls or visits. It is contended that since last 7 years their money has been locked in this incomplete project which is still stalled and not showing any signs of completion. Further, nobody has claimed responsibility nor shown any action to address their complaints. The complainant sought relief to direct the respondent refund the amount along with interest. Hence, this complaint.

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4. After registration of the complaint, in pursuance of notice served, the respondent has appeared before this Authority and has filed written objections.
5. This matter was heard on 12/09/2022, 10/10/2022, and on 18/11/2022.
6. In support of her claim, the complainant has produced documents such as Deed of Absolute Sale and Conveyance dated 7th February 2019.
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.
9. On consideration of the submissions of the complainant, the following order is passed.

INTERIM ORDER

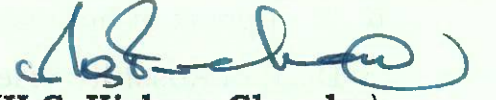
The Respondent/Promoter **Prathamesh Apartment Co-operative Housing Society, No: 43, 13th Cross, Malleshwaram, Bengaluru-50 003** is hereby directed to register the project under RERA immediately under section 3 of the Real Estate (Regulation and Development) Act, 2016, within two weeks from the date 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