

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

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SHRI. H.C. KISHORE CHANDRA, CHAIRMAN

Dated 28th November 2022

COMPLAINT No: CMP/UR /191209/0004801

COMPLAINANT....

Vinod Nair

#Flat 3-A, Sunder Residency
IV, No.592, 14th Cross
5th Main, Dollars Colony
RMV 2nd Stage
Bengaluru-560 0-94

**(represented by Mrs. H.H.
Sujatha, Advocate)**

V/S

RESPONDENT.....

Gulam Mustafa

GM Infinite Dwelling India
Private Limited
No:06, GM Pearl, BTM
Layout, 1st Stage, 1st Phase
Bengaluru-560 068

INTERIM ORDER

1. The complainant Mr. Vinod Nair has filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “**E-City Town Phase II**” developed by “**M/s GM Infinite Dwelling India**”



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Private Limited in the limits of No:6, GM Pearl, BTM Layout, 1st Stage,
1st Phase, Bengaluru-560 068 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 entered into a sale and construction agreement for the purchase of apartment no.B-2150 in the project **E-City Town Phase II**. The respondent-promoter was required to complete the construction of apartment in all aspects within 24 months with 6 grace period i.e. by 08/07/2021. Even after two years after the due dates, the apartment is not complete for handover and possession. The builder has been repeatedly requested for photographic evidence of completion of work, completion certificate and Occupancy certificate but the respondent has failed to respond. Further, the respondent-promoter has shirk his responsibility for delay citing frivolous reasons such as climatic conditions. It is contended that the GM Infinite has requested payment of electricity bills directly to GM Infinite and not BESCOM and has failed to provide an invoice, evidence of paperwork from BESCOM for provision of electricity meter for the apartment which was claimed to be available.

Further, the sewage treatment plant which is away from the residential structure has been constructed under the residential structure causing inconvenience to residents and risk due to noise and vibration including at night time and health risk from foul smell of sewage. It is contended that the builder is currently pressurizing the buyer to register the incomplete flat and refusing to complete the remaining work. Having lost confidence with the buyer, the complainant has sought relief of refund with interest. Hence, this complaint.

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4. After registration of the complaint, in pursuance of notice served, the respondent has absented from appearance before this Authority during the proceedings held on 12/08/2022, 29/08/2022, 16/09/2022, 26/09/2022, 21/10/2022, and on 21/11/2022.
5. In support of his claim, the complainant has produced documents such as (1) Agreement of sale and construction both dated 2nd April 2015 (2) Summary of payments.
6. 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.
7. On consideration of the submissions of the complainant, the following order is passed.

INTERIM ORDER

The Respondent/Promoter **M/s GM Infinite Dwelling India Private Limited, No: 6, GM Pearl, BTM Layout, 1st Stage, 1st Phase, Bengaluru-560 068** 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