

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

CORUM

SHRI. H.C. KISHORE CHANDRA, CHAIRMAN

Dated 30th November 2022

COMPLAINT No: CMP/UR /211111/0008537

COMPLAINANT....

Ramya D.R.
506, 50 Feet Road
Kumaraswamy Layout
2nd Stage
Bengaluru-560 078.

(In person)

V/S

RESPONDENT.....

Umesh
C.V. Developers &
Promoters
1/1A, Jakkur Main Road
Amruthalli
Bengaluru-560 092.

(Exparte)

INTERIM ORDER

1. The complainant Ms. Ramya D.R. has filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “ **Eagle Residency** ” developed by “ **CV Developers & Promoters**” in the

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limits of Sy.No., 135, Koluru Village, Tavarekere Hobli, Bengaluru South 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 herein had entered into agreement of sale on **22.02.2017** for the purchase of Site bearing No. 89 measuring 1200 Sq.ft. in the project "**Eagle Residency**" 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.10,000/- by way of cash on 01.02.2017 and Rs.2,40,000/- by way of cheque dated 06.02.2017 out of sale consideration of Rs.5,38,000/- to the respondent which has been duly acknowledged by the respondent. The complainant was required to hand over possession on 22.08.2019 as per agreement. The developer has kept on changing the site from one area to other. The complainant having lost confidence with the developer has requested for refund since 2018, but the developer has not responded to refund the amount to the complainant. The complainant sought relief of refund with interest. Hence, this complaint.

4. After registration of the complaint, in pursuance of notice served, the respondent absented himself from appearance before the Authority during the proceedings held on 26/09/2022, 19/10/2022, 07/11/2022 and finally on 28/11/2022.

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5. In support of her claim, the complainant has produced documents such as (1) Agreement of Sale dated 31/05/2014 (2) Developers site map(Eagle Residency) (3) CV Developers pamphlet (4) memo of calculation for refund with interest (5) Details of CV developers property numbers (6) Record of rights of CV Developers (7) Eagle Residency Application form (8) Receipts and payment to CV Developers
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, I am 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 C.V. Developers and Promoters,1/1A, Jakkur Main Road, Amruthalli, Bengalure-560 092** 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