

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 30<sup>th</sup> November 2022**

**COMPLAINT No: CMP/UR /220430/0009408**

**COMPLAINANT....**

**Akbar Shariff**

No.5/1, 1<sup>st</sup> Floor, 2<sup>nd</sup> Cross  
Subedarpalya  
Yeshwanthpur  
Bengaluru-560022

**(In person)**

**V/S**

**RESPONDENT.....**

**M/s Blue Valley Properties  
Private Limited**

#41, Nandi Durga Road  
Above ICICI Bank  
Jayamahall Extension  
Bengaluru-560 046.

**(Exparte)**

**INTERIM ORDER**

1. The complainant Mr. Akbar Shariff has filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project



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“ **Blue Valley Smilee View** ” developed by “ Blue Valley Properties Private Limited” in the limits of Sy.Nos. 3/1,3/5,5/1, 6/1,6/2, 7/3,7/4,7/5,20,21,22,51/1A, 51/1B, 84,85/1A, 85/1B, 85/2, 86/1, 86/2. 87, Rammanahalli, Mahadevapura Road, Mysore, 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 31/05/2014 for the purchase of immovable property bearing Plot No.416 in the project “**Blue Valley Smilee View**” developed by the respondent/promoter. The respondent/promoter failed to hand over the possession within the prescribed timeline despite the complainant has paid entire sale consideration of Rs.6,77,570/- to the respondent on different dates and which has been duly acknowledged by the respondent. The complainant was required to hand over possession on 30.5.2016 as per agreement. The developer while selling the property has assured the complainant that the said layout would be developed along with all amenities and collected all charges which include land, development charges, electricity charges, legal charges, maintenance charges etc. The project is still incomplete even after 9 years. Having lost confidence with the developer, the complainant has sought relief of full refund along 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



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the proceedings held on 17/10/2022, 04/11/2022 and finally on 28/11/2022.

5. In support of his claim, the complainant has produced documents such as (1) Agreement of Sale dated 31/05/2014 (2) Details of payments (3) Layout Plan (4) Memo of calculation
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 Blue Vally Properties Private Limited, No: 41, Nandi Durga Road, above ICICI Bank, Jayamahal Extension, Bengaluru-560 046** 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.



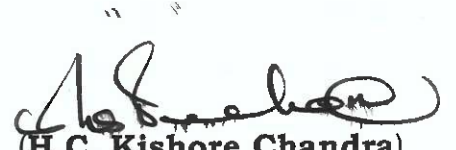
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The Promoter is also given opportunity to submit his explanation within three weeks, as to why penalty proceedings u/s 59(1) of the Act should not be initiated for violation of Section 3 of the Act.

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