

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 3rd December 2022**

**COMPLAINT No: CMP/UR /220715/0009754**

**COMPLAINANT....**

**Joseph A Dsouza &  
Irene J Dsouza  
Flat No: 101, A-Wing  
Crystal Valley  
5<sup>th</sup> Cross Road  
Nayampalli  
Udupi-576105**

**(In person)**

**V/S**

**RESPONDENT.....**

- 1. M/s Crystal Constructions  
& Developers  
2-17E1, Lobo Complex  
1<sup>st</sup> Floor, Gopalapura  
Santhekatte  
Udupi-576105.**
- 2. Gilbert Abundius D'Silva  
& other land owners  
Silverline, Kallianpur  
Puttur Village  
Udupi-576105.**

**(Exparte)**

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**INTERIM ORDER**

1. The complainants Mr. Joseph A.Dsouza & Mrs.Irene DSouza have filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “ **Crystal Valley** ” developed by “ **Crystal Constructions and Developers**” in the limits of Puttur Village of Udupi Taluk, falling within the jurisdiction of Gopalapura Ward of Udupi CMS bearing Sy.No: 1811DPI. 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 01.03.2014 for the purchase of Flat No.101 in A-Wing in the project “**Crystal Vally**” 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.27,47,000/- to the respondent and which has been duly acknowledged by the respondent. The complainant was required to hand over possession within 24 months from the date of agreement. The sale deed was executed by the respondent in favour of the complainant on 18<sup>th</sup> June 2018. It is contended that the building is not as showcased in the promotional pamphlet(brochure) and which is completely different from brochure. Besides, covered car parking has not been provided and none of the facilities/amenities mentioned the brochure are provided viz: lobby, piped gas, bore well, road, play area etc. There is leakage everywhere, major cracks in the building and compound. Further there is structural defects, OC was obtained prior to completion, unauthorized structures in the



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premises, sewage treatment plant has not been installed, improper maintenance of the building, project insurance was not taken etc. However 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 the proceedings held on 21/09/2022, 14/10/2022, 14/11/2022 and on 2/12/2022.
5. In support of his claim, the complainant has produced documents such as (1) Agreement of Sale dated 01.03.2014 (2) Copy of sale deed dated 18.6.2022 (3) Details of payments made to the respondent (4) Memo of calculation (5) Photographs of Crystal Valley apartments
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.



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**INTERIM ORDER**

The Respondent/Promoter **M/s Crystal Constructions and Developers, 2-17E1, Lobo Complex, 1<sup>st</sup> Floor, Gopalapura, Santhekatte, Udupi-576105** 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