

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**

**PRESENT**

**SHRI. H.C. KISHORE CHANDRA, CHAIRMAN**

**Dated 12<sup>th</sup> December 2022**

**COMPLAINANTS....**

1. **CMP/UR/220228/0009058**

**Krishna Kumar Mishra**

**Dr. Suniti Mishra**

Flat No: 601, PB Block

Apine Eco Apartments

Outer Ring Road

Doddanekundi

Bengaluru-560 037

2. **CMP/UR/220317/0009144**

**Mancy Thomas**

B-118, Cumins Genesis

Kalkere Main Road

Horamavu

**Bengaluru-560 043. &**

No:14, Krupa Bhavan, 8<sup>th</sup>

Cross, Pampa Extension

Kempapura, Hebbal

**Bengaluru-560 024.**

3. **CMP/UR/220323/0009240**

Deepthi Gopireddy

110, Viveks Sanskaar

Apartment

Belathur

Kadugodi,

**Bengaluru-560 067.**

**(In person)**

*ASB*

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V/S

RESPONDENT.....

**M/s Jain Heights and  
Structures Private  
Limited**

#Solus, 11<sup>th</sup> Floor  
No: 2, 1<sup>st</sup> Cross  
J.C. Road  
Bengaluru-560 027.  
Above ICICI Bank  
Jayamahal Extension  
Bengaluru-560 046.

**(By Mr. B.K. Sanjay  
Advocate)**

**INTERIM ORDER**

1. The abovenamed complainants have filed a complaint under section 31 of Real Estate(Regulation and Development) Act, 2016 against the project "Landstar Earth Shine" developed by "**Jain Heights and Structures Private Limited**". The promoter has developed this project in the limits of Aalambadi Village, Lakkur Hobli, Malur Taluk, Kolar District and sought for the relief of refund with interest for violation of RERA Act.
2. This project is not registered under RERA.
3. The gist of the complaint is that the complainant herein have booked their plots in the project "**Land Star Earth Shine**" developed by the respondent/promoter. The developer had undertaken to complete the project on or before March 2014. Despite repeated reminders the developer has completed the project even after more than 7 years and the property is

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still a vacant land. There is a civil dispute between landowner and developer in arbitration case – A.C. No: 72/2020 in which final award has been passed in favour of the landowner on 15<sup>th</sup> September 2021. The respondent/promoter failed to hand over the possession of their plots to the complainants within the stipulated timeline as per the terms of agreement. The complainants have paid substantial sale consideration to the respondent towards purchase of these plots. The project is still incomplete and is an ongoing project. The complainants sought relief for the refund along with interest. Hence, this complaint.

4. After registration of the complaint, in pursuance of notice served, the respondent had appeared before this Authority through its counsel on 10/10/2022 to file authorization. The respondent's counsel stated before the Authority that he will file for registration of the project. He further stated that there was a litigation with the landowner that is being settled. The plots have been registered and sale deeds have been executed in favour of the complainants.
5. This case was heard on 16/09/2022, 10/10/2022, 17/10/2022, 18/11/2022 and on 09/12/2022. The respondent remained absent on 16/09/2022 and on 18/11/2022 whereas its counsel represented the case on 18/11/2022 and on 09/12/2022.
6. In support of their claim, the complainants have produced documents such as (1) Agreement of Sale (2) Sale deeds dated 27.08.2014, 30.4.2014 & dated 06.10.2013 respectively (3) Payment receipts (4) Khatha (5) Memo of calculation (6) Photos from actual site indicating project status (7) Letter from Jain Heights regarding civil dispute between landowner and developer.

16/10

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7. Perused the above mentioned documents.
8. 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.
9. On consideration of the submissions of the complainant, the following order is passed.

**INTERIM ORDER**

The Respondent/Promoter **M/s Jain Heights and Structures Private Limited, "Solus", 11<sup>th</sup> Floor, No.2, 1<sup>st</sup> Cross, J.C. Road, Bengaluru-560002** 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