

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

Complaint No. CMP/UR/211108/0008524

Dated 12th December 2022

COMPLAINANT....

**M/s NEWGEN HOMES
PRIVATE LIMITED**
115, Marvel Signet, Opp:
Karnataka Bank
Sirur Park, Vidyanagar
HUBLI-580031.

(In person)

V/S

RESPONDENT.....

PRAKASH PATIL
M/s Access Developers
and Builders Hubli
Access KGS Plaza
3rd Floor, Deshpande Nagar
HUBLI-580029.

(Absent)

INTERIM ORDER

1. The complainant Newgen Homes Private Limited had filed this complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “ **Access Golden Park**” developed by “**M/s Access Developers and Builders**” in the limits of Sy.no. 180, near SDM Engineering College, behind Police Training School, Kalaghatagi Road, Dharwad seeking faster development of work , RERA registration certificate and compensation.

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2. This project is not registered in RERA.
3. The gist of the complaint is that the complainant M/s Newgen Home Private Limited represented by its Director Mr. Manjunath T. Aralakatti had entered into agreement with M/s Access Developers and Builders, represented by its partner Mr. Prakash Patil on 23.06.2014. Further due to non development of work, they again entered into a fresh agreement on 28.10.2016. It is contended that the developer Mr. Prakash Patil had agreed to convert the land into non agricultural land within a period of 3-5 months from the date of agreement. But he did not complete the work within the stipulated timeline. Further, the complainant has neither received the acknowledgement nor RERA registration certificate from the developer. It is further contended that at the time of purchasing property, the developer had assured them that there is no loan on the said property whereas there a mention in the Encumbrance certificate about loan being taken from Gajanan Bank. The complainant seeking relief of faster development of work, RERA registration certificate and compensation from developer.
Hence, this complaint.
4. After registration of the complaint, in pursuance of notice served, the respondent absented from appearance before the Authority during the proceedings held on 14/08/2022 and on 7/12/2022 whereas as the complainant was present on the aforesaid dates.

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5. In support of his claim, the complainant has produced documents such as (1) Agreement of sale dated 28th October 2016 (2) 9 Sale deed copies (3) 4 land conversion order copies (4) copy of approved layout.
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 Access Developers and Builders Hubli, Access KGS Plaza, 3rd Floor, Deshpande Nagar, Hubli-580029** 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



(Gurijala Ravindranadha Reddy)

Member
K-RERA