

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 21ST December 2022

COMPLAINT No: CMP/UR /220504/0009410

COMPLAINANT....

Vadivelprabu V
1-175/46, Shri RASTU
First Floor
Bhaskar Colony
Hosabettu
Dakshina Kannada-575019.

**(By Mr. KKS Shasedharan
Legal Representative)**

V/S

RESPONDENT.....

**M/s Prabhavati Builders
and Developers Private
Limited**
#27/89, 4th "B" Cross
30th Main, BTM 2nd
Stage, **Bengaluru-560 076.**

INTERIM ORDER

1. The complainant above named has filed this complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “



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

Prabhavathi Grandview ” developed by “ **Prabhavathi Builders and Developers Private Limited**” and sought for the relief of refund with interest.

2. The respondent has developed this project in the limits of Sy.No. 440/1A, Sarjapura Village, Sarjapura Hobli, Anekal Taluk, Bengaluru.
3. This project is not registered in RERA.
4. The gist of the complaint is that the complainant herein had entered into agreement of sale on 18th December 2015 for the purchase of Flat No.T-59 in 3rd floor in the project “ **Prabhavathi Grandview**”. Later, he entered into agreement of construction on 25.02.2016. The developer is required to hand over the possession of the said flat within 18 months with grace period of 3 months as per construction agreement. However, the respondent/developer failed to fulfill the agreement. The complainant has paid Rs.1,00,000/- in cash and Rs.9,00,000/- through Corporation Bank Home Loan. Having lost confidence with the developer, the complainant has sought for relief of full refund along with interest. Hence, this complaint.
5. After registration of the complaint, in pursuance of notice served, the respondent absented himself from appearance before the Authority during the proceedings held on 10/10/2022, 17/10/2022, 3/11/2022, 14/11/2022, 2/12/2022 and finally on 16/12/2022 whereas the complainant was present except on 14/11/2022 and 2/12/2022.

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

6. In support of his claim, the complainant has produced documents such as
(1) Agreement of Sale dated 18/12/2015 (2) Agreement for construction
dated 25/02/2016 (3) Details of payments (4) Memo of calculation
7. 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.
8. On consideration of the submissions of the complainant, the following order
is passed.

INTERIM ORDER

The Respondent/Promoter **M/s Prabhavathi Builders and Developers
Private Limited, #27/89, 4th "B" Cross, 30th Main, BTM 2nd Stage,
Bengaluru-560 076** 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.



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

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

NOT AN OFFICIAL COPY