

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 23rd December 2022

COMPLAINT No: CMP/UR /201117/0007075 & 0007080

COMPLAINANT....

K.V. Raghavan
C-27, Lane 6
Abhimanshree Society
Pashan Road
Pune City.
(Suraj Sampath,
Advocate)

V/S

RESPONDENT.....

M/s Raffles Residency
Private Limited
No: 54, "The Planet"
2nd Floor, Whitefield Main
Road, Opposite HUL
Research Centre
Bengaluru-560 066.

(By Sri.Joshua H Samuel
...others, Advocates)



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INTERIM ORDER

1. The aforesaid complainant has filed this complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “ **Raffles Park**” developed by “ **Raffles Residency Private Limited**” and sought for the relief of interest on delay period.
2. The promoter has developed this project in the limit of Soukya Road, Whitefield, Bengaluru-560 067.
3. This project is not registered in RERA.
4. The gist of the complaint is that the promoter has failed to deliver the possession of the villa on or before 31.12.2015 being the committed date as on date of booking. Further, the promoter has failed to execute agreement for sale and construction within the stipulated timeline and subsequently executed single agreement to sell which has resulted in manifold increase of stamp duty and registration fee. It contends that the promoter has failed to adjust Rs.15.00 lakhs towards provision of interiors as was promised at the time of booking. The promoter has failed to produce occupancy certificate and has not registered this project as required under RERA Act despite being an ongoing project. The promoter was yet to execute sale deed in favour of the complainant till date. Hence, this complaint.
5. After registration of the complaint, in pursuance of notice, the respondent has appeared before the Authority during the proceedings held on 25/11/2022 and on 19/12/2022.
6. In support of his claim, the complainant has produced documents such as (1) copy of letter dated 12.05.2017 issued by the respondent to BESCOM (2)

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copy of letter dated 16.8.2016 issued by the respondent to the Hoskote Planning Authority (3) copy of the completion certificate dated nil issued by Karan Grover & Associates for Villa No.8 (4) copy of occupancy certificate dated 10.4.2017 issued by the Samathanahalli Grama Panchayat for Villa No.8 (5) copy of letter dated 14.2.2019 issued by the respondent for Villa No.8 (6) copy of the letter dated 19.3.2019 issued by the respondent for villa no.8 (7) copy of the letters dated 28.3.2019 and 29.3.2019 issued by the respondent for villa no.8 (8) copies of 32 photos of the unfinished Raffles Park project including villas and amenities as on 26.9.2022 (9) copy of the order dated 11.01.2019 passed by the Hon'ble Real Estate Appellate Tribunal, Tamil Nadu, Puducherry, Andaman and Nicobar Islands in M/s Adinath Srinivasa Foundations LLO Vs The Secretary, Serene Kshetra Owners Association (10) copy of the electricity meter for villa no.31 .

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.



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Karnataka Real Estate Regulatory Authority,
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INTERIM ORDER

The Respondent/Promoter **M/s Raffles Residency Private Limited, No: 54, "The Planet", 2nd Floor, Whitefield Main Road, Opposite HUL Research Centre, Bengaluru-560 066** 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
