

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 30th November 2022

COMPLAINT No: CMP/UR /211120/0008612

RECTIFICATION ORDER UNDER SECTION 39 OF RERA ACT

COMPLAINANT....

Prashantha Padiyar
Nanda Gokula
Pandeshwara Village
Sasthan
Udupi-576226

(represented by
Mr. Nagendra Bhat & Co
Chartered Accountants)

V/S

RESPONDENT.....

Amrith Shenoy
Shree Lakshmee Homes &
Infrastructures
Ananth, Ranganath Shenoy
Compound
Volakadu, **Udupi-576101 .**

(Exparte)

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INTERIM ORDER

1. The complainant Prashantha Padiyar (**amended vide order dated 20/12/2022**) has filed a complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “**Voyager**” developed by “**Shree Lakshmee Homes & Infrastructures**” in the limits of Sy.No., 87A-11A and 87A-11B, Voyager, Moodanidamboor Village, Ambalpady Grampanchayath, Udupi Taluk for the relief of non-completion and handover of the project.

2. This project is not registered in RERA.

2A. The complainant's Authorized Representative Mr. Nagendra Bhat Katapadi has appeared before the Authority during the proceedings held on 19/12/2022 and has invited the attention of the Authority with regard to factual mistake that has crept in the Interim order dated 30th November 2022 as follows:

The name of the complainant has been inadvertently mentioned as “Ramya DR” instead of “Prashantha Padiyar” in para-1 of the Interim order dated 30th November 2022. The prayer of the complainant has been verified and it is found necessary to rectify the Interim order dated 30th November 2022.

- (i) This rectification is done within two years from the date of the original Interim order i.e. of 30th November 2022.
- (ii) There is no information about any appeal pending on this order.
- (iii) No substantive part of the order is amended

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- (iv) The Authority's Interim Order dated 30th November 2022 is declared Non Est and replaced by this order dated 20 /12/2022.
3. The gist of the complaint is that the complainant herein had entered into agreement of sale on **31.3.2014** for the purchase of apartment bearing Nos. 504 measuring 750 Sq.ft. and 505 measuring 810 Sq.ft in the project "**Voyager**" developed by the respondent/promoter. On 14th March 2014, the proprietor of Shree Lakshmee Homes and Infrastructure had agreed to sell flat no. 604 in the project "**Voyager**" for agreed payment of Rs.45,00,000/- and the flat numbers have been shown as 504/505. This was later changed by the respondent to 604. The respondent is required to hand over the possession by March 2017. The respondent/promoter followed up payments regularly and the complainant has paid an amount of Rs.43,50,000/- through bank transfer directly to the company account of the respondent. The promoter did not complete the project till date. The complainant insisted upon the specific performance of the contract as per agreement. But the respondent even failed to refund the amount as was promised. The complainant sought relief of refund 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 26/09/2022, 19/10/2022, 07/11/2022 and finally on 28/11/2022.
5. In support of his claim, the complainant has produced documents such as (1) Agreement of Sale dated 31/05/2014 (2) Details of payment made to respondent (3) memo of calculation.



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5. 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.

INTERIM ORDER

The Respondent/Promoter **M/s Shree Lakshmee Homes and Infrastructures, Flat No; 201, Grasslands O'ville, Bhrmagiri Circle, Convent Road, Brahmagiri, Udupi** 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