

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 27TH December 2022

COMPLAINT No: CMP/UR / 190622/0003359

COMPLAINANT....

**Shweta Gupta &
Naveen Kumar Gupta
D-216, 2nd Floor, Samhita
Rainbow MTB
Thubrahalli
Bengaluru-560 066**

**(By Mr. Abheek Saha
..... & others,Advocates)**

V/S

RESPONDENT.....

**Anil Kumar
M/s Dhruthi Infra Projects
Limited
120 "B", EPIP Zone
Opposite Inorbit Mall
Whitefield
Bengaluru-560 066.**

**(By Mr. Ajay J. Nandalike,
Manu K ... Advocates)**

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INTERIM ORDER

1. The aforesaid complainants have filed this complaint under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project "**Dhruthi Tranquil Towers**" developed by "**Dhruthi Infra Projects Limited**" and sought for the relief of refund with interest.
2. The promoter has developed this project in the limits of Sy.No. 92/1 and Sy.No.102, Nagondanahalli village, K.R. Puram Hobli bearing BBMP Khatha No. 585/536, Bengaluru, Karnataka.
3. This project is not registered in RERA.
4. The gist of the complaint is that the complainants herein had entered into agreement of sale and construction both dated 21st July 2015 for the purchase of apartment bearing flat no.306, 3rd floor, Tower-A, in the project known as "**Dhruthi Tranquil Towers**" developed by the respondent/promoter. The respondent/promoter failed to hand over the possession within the prescribed timeline despite the complainant has paid the substantial sale consideration of Rs. **56,06,010/-** to the respondent on different dates and which has been duly acknowledged by the respondent. The respondent is required to hand over the possession of the flat by **31st December 2016**. Though the building is constructed, laying of tiles in rooms and bathroom has not been completed. There is no electricity and water work besides fixtures have not been furnished. It is contended that even at the end of the stipulated period and after a delay of more than four

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and half years, the respondents did not complete the construction and handed over the possession to the complainants. The complainants are staying in a rented apartment and being forced to pay rent for the same apart from clearing the EMI's every month. The complainant has raised home loan from HDFC Bank for purchase of the aforesaid flat and is regularly paying EMI dues. Having lost confidence with the respondent, The complainant sought for the relief of registration of his flat. Hence, this complaint.

5. After registration of the complaint, in pursuance of notice served, the respondent remained absent during the hearings held on 6/6/2022, 13/6/2022, 15/7/2022, 19/8/2022 whereas its counsel has appeared before this Authority during the hearings held on 9/9/2022, 10/10/2022, 28/10/2022, 5/12/2022 and on 19/12/2022. The complainant remained absent on 6/6/2022, 19/8/2022 and was exempted from appearance on 15/7/2022, 10/10/2022 and on 19/12/2022.
6. In support of their claim, the complainants have produced documents such as (1) copy of agreement of sale and agreement both dated 21/7/2015, (2) copy of tripartite agreement dated 10.8.2018 (3) copy of receipts towards payments made to the respondent (4) copy of bank account statement (5) copy of the loan approval letter dated 27th July 2015 (6) copy of the document showing total pre-EMI interest for the period from 2016-17, 2017-18, 2018-19 and 2019-2020 (7) copy of the email communication dated 20.5.2019 (8) copy of the email and trail conversion cancellation of booking (9) copy of the email dated 27th May 2019 sent by the complainant to the respondent for cancellation of the booking and refund.

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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 Dhruthi Infra Projects Limited, No.120 'B', EPIP Zone, Opposite Inorbit Mall, Whitefield, 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