

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 /220629/0009699

COMPLAINANT....

Balakrishna Vegi
SJR Parkway Homes
G-604, Rayasandra
Main Road
Rayasandra
Bengaluru-560 099

(In person)

V/S

RESPONDENT.....

1. Bharath A
No. 3, 18th Cross, 22nd Main
Opp: Mahaveer Wood
Apartments
Bengaluru Rural-560 078.

2. Yogananda Reddy
Pavan Tranquil Homes
No: 119, Ground Floor
C-Block, J.P. Nagar
15th Cross
Bengaluru-560 078.

(Absent)

10/12/22

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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 "**Pavan Tranquil Homes**" and sought for the relief of registration of his flat.
2. The promoter has developed this project in the limits of Puttenahalli Village, Uttarahalli hobli, Bengaluru South 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 05/09/2011 for the purchase of flat no.201, first floor in the apartment building known as "**Pavan Tranquil Homes**" 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 to the respondent on different dates and which has been duly acknowledged by the respondent. It is contended that the builder is absconding after payment. Later, the landlord who owns the land of the project negotiated with him and has taken Rs.4.6 lakhs for completion of the project. The complainant has already taken over the possession of the flat but the landlord is not willing to register his flat. The developer has demanded Rs.10.00 lakhs for executing sale deed in favour of the complainant. It is alleged that the builder is absconding and has changed his phone numbers and address. The complainant sought for the relief of registration of his flat. Hence, this complaint.



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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, 18/11/2022, 2/12/2022 and finally on 19/12/2022 whereas the complainant was present on the aforesaid dates except on 10/10/2022.
6. In support of his claim, the complainant has produced documents such as (1) Agreement of Sale dated 5/09/2011, (2) construction agreement (3) partnership deed (4) payment of bills from bank to builder (5) loan sanction memo.
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 Pavan Tranquil Homes Apartments, 22nd Main, 18th cross, beside Mahaveer Apartments, J.P. Nagar 5th Phase, Bengaluru-560 078** 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

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