

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 January 2023

COMPLAINANTS....

1. **CMP/UR/190919/0004201**

Mohitosh Paul

#411, Mathrusree Silver

Arcade, Karna Layout,

Medahalli,

Bengaluru Rural-560 049.

2. **CMP/UR/190913/0004179**

MD Taimur Rahman

Flat No. 211, B-Block,

Mathrusree Silver Arcade

4th Cross,

Karnasree Layout

Medahalli

Bengaluru-560 049.

(In person)

V/S

RESPONDENT.....

M/s Kar Na Sree

Developers & Builders

#23, 3rd floor, Anand

Nagar, Marathahalli Post

Bengaluru-560 037.

(By Mr. Nandeesh MC

& G. Kamaraju, Advocates)

Asst

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INTERIM ORDER

1. The aforesaid complainants have filed these complaints under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project “**Mathrusree Silver Arcade**” developed by “**Kar Na Sree Developers and Builders**” in the limits of Puttur Village of Udupi Taluk, falling within the jurisdiction of Gopalapura Ward of Udupi CMS bearing Sy.No: 1811DPI. for the relief of refund with interest.
2. This project is not registered in RERA.
3. The gist of the complaints are as under:
4. **CMP/UR/190913/0004179**: The complainant has booked an apartment no. 211 on 1st floor, Block-B in the project “Mathrusree Silver Arcade” of the respondent by entering into an agreement of sale and construction both dated 27th February 2015. The complainant had the problem of poor construction quality and delayed deadline of completion. The promoter has used unbranded and poor quality of the lifts and other fittings. He has insisted the builder to register the project with RERA but instead he started pressurizing him to register these uncompleted flats. The builder has accepted to take PDC cheques for early registration of flats to escape from the clutches of RERA registration. The project is still under construction. The builder allowed him to move in an incomplete flat due to the delay in completion for over 2 years without providing all amenities as agreed. The complainant has made substantial sale consideration to the respondent and

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demanded to provide OC. The complainant has sought for the relief of RERA for immediate intervention in the following matters. (1) Builder has not taken any action to provide OC & CC besides khata transfer, possession certificate and no due certificate (2) Delays in completing the project work and forceful and early registration of flats to avoid RERA registration. (3) Provided less carpet area, lifts from an unbranded company with extremely poor quality with no license, poor quality of electrical and plumbing fittings. (4) Unable to pay property tax due to unavailability of proper documents (5) fixing the responsibility of builder for maintenance and replacing faulty materials for 5 years after completion of the work (6) project is not registered in RERA (7) Builder has not paid the overdue amount for the alteration made by the complainant (8) compensation if any for the delay and the inconvenience faced for completion and handing over of the flat Hence, this complaint.

5. **CMP/UR/190919/0004201**: The complainant has purchased a flat bearing No. 411, Block-B in the project "Mathrusree Silver Arcade" of the respondent. The flat was supposed to be handed over by December 2016. However, the completion of the flat was delayed by 2 years from the agreed date. The flat was booked on 19th January 2015 and registered on 14th December 2017. The builder has not provided any fitting amenities as per proposal to all flat owners. Construction of the flat, fittings and amenities were also of poor quality and substandard. The builder is not providing OC, CC, Khata transfer, lift license and other related documents. Besides apartment association have also sent letter to the builder 30.6.2019 and 22.8.2019 after waiting for a long time to provide all apartment documents but the builder failed to do so. The unbranded poor quality lift is running

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without maintenance and license. The complainant has sought for the relief of direction to the builder to provide OC, CC, Khata transfer, warranty, guarantee of the flat, BBMP clearance and other related documents immediately. 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 6.5.2022, 13.6.2022, 28.10.2022, 21.11.2022, 16.12.2022 and on 25.1.2023 whereas its counsel was present during the hearing held on 30.5.2022, 20.6.2022, 4.7.2022 and on 18.7.2022.
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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INTERIM ORDER

The Respondent/Promoter **M/s Kar Na Sree Developers and Builders, #23, 3rd Floor, Anand Nagar, Marathahalli Post, Bengaluru-560 037** 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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