

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, HON'BLE CHAIRMAN

Dated 22nd February 2023

COMPLAINT No: CMP/UR /220813/0009891

COMPLAINANT....

1. **PAWAN KUMAR**
7-H, Vikranth Apartments
Sector-13, Rohini
Raja Pur Kalan, Rohini
North West
NEW DELHI-110085

**(BY MR.KUMAR PIYUSH
PUSHKAR.ADVOCATE)**

V/S

RESPONDENTS.....

1. **CAPT.CHANDER MOHAN
SAWHNEY**
95/2, Margosa Avenue
Green Glen Layout
Bellandur
Bengaluru Urban-560 103

2. **Harvest Hotels and
Serviced Apartments
Private Limited**
K-52-A, S/F Kalkaji
New Delhi,
SOUTH DELHI-110019

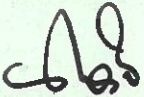
(Ex-parte)

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INTERIM ORDER

1. This complaint is filed under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project "**MARRIOTT EXECUTIVE APARTMENTS**" developed by "**M/s HARVEST HOTELS AND SERVICED APARTMENTS PRIVATE LIMITED**" for the relief of refund with interest.
2. This project is not registered in RERA.
3. The gist of the complaint is that the complainant has given his life saving which he has earned by putting his sweat and blood to the respondents as the director Capt. Sawhney induced him by making castles in the air. Due to the inducement given by Capt. Sawhney pertaining to its planning and future prospectus, the complainant has invested his money to purchase the apartments. It is contended that to deceive him, the respondents not only assured him about the good prospects of the apartments but also made castles in the air regarding adjoining areas. But all such promises fall prostrate. The respondents have signed the agreement to sell with the complainant in lieu of robust consideration and even promised to sign the sale deed within 15 days on payment of full consideration. Despite request, the project was not registered under RERA. The complainant has sought for the relief of hand over the possession of property and in case of non-delivery of property, refund along with interest. Hence, this complaint.
4. After registration of the complaint, in pursuance of notice served, the respondents remained absent during the hearings held on





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29/11/2022, 19/12/2022, 30/1/2023 and on 22/2/2023. Since the respondent remained absent on all the aforesaid dates of hearing and hence he has been placed an ex-parte.

5. In support of his claim, the complainant has produced documents such as (1) copy of agreement to sell dated 14.8.2017 (2) Financial statements for the year ended 31.3.2020 (3) memo of calculation
6. In support of defence, the respondents have not produced any documents.
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 HARVEST HOTELS AND SERVICED APARTMENTS PRIVATE LIMITED, 95/2, Margosa Avenue, Green Glen Layout, Bellandur, Bengaluru-560 103** is



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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