

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 7th March 2023

COMPLAINT No: CMP/UR /200315/0005728

Complainant..

LEO PAUL K
150, CQAL LAYOUT,
B-BLOCK. SAHAKAR NAGAR
BENGALURU URBAN-560092

(IN PERSON)

V/s

Respondent....

GIRISH NAIK
M/S SAN INFRASTRUCTURE
PRIVATE LIMITED
11& 12, 2ND FLOOR, P.S.
PLAZA, JAWAHARLAL
STREET, PLATFORM ROAD
SESHADRIPURAM
BENGALURU URBAN-560020.

(BY SHRI. R.HARI PRASAD,
ADVOCATE)

INTERIM ORDER

1. This complaint is filed under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project "SAN CITY BLUE

Abt

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BELL” developed by “ **M/s SAN INFRASTRUCTURE PRIVATE LIMITED**” for the relief of refund of booking amount with interest.

2. This project is not registered in RERA.
3. The gist of the complaint is that the complainant and his wife have booked two properties in the project “ SAN CITY BLUE BELL” of the respondent/promoter, located in Hunsur Taluk, Mysore District on 5/2016. Since the respondent/promoter was unable to register the said property within the agreed timeline even after a lapse of one year, he had requested for the cancellation of the same and full refund of the amount on 8/9/2018. After multiple follow ups and discussion, Mr. Girish, Director of the San City project had agreed that they will initiate partial refund of 25K until closure of the complete amount. He has received 25K on 12th December 2019 as agreed. It is contended that from January 2020 until this date there is no refund from the company and there is no proper response as to when the arrears would be cleared. The complainant is concerned that the company has not kept up its promise or made the payments as agreed. The complainant has approached this Authority for the relief of direction to the respondent to refund an amount of 2.10L along with interest from his company w.e.f. 5/2016. 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 hearings held on 16/12/2022, 24/1/2023,



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6/3/2023 whereas its counsel appeared before this Authority on 10/2/2022 and has filed vakalat.

5. During the hearing held on 24/01/2023, the Authority has ordered to issue show cause notice to the respondent of the project " SAN CITY BLUE BELL" to register the project as required under Section 3 of the Act. Accordingly, a show cause notice dated 25/1/2023 was served upon the respondent asking him to appear before this Authority on 10th February 2023 at 11.00 a.m. by giving him an opportunity to submit his explanation/written submission if any, in support of his defence. The respondent's counsel though appeared before this Authority during the hearing held on 10/2/2023, except filing an vakalat has not contested the matter neither by filing statement of objections nor producing documents on its behalf in this regard.
6. On going through the records, it is noticed that this project has not been registered in RERA despite show cause notice dated 25/1/2023. 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.

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7. On consideration of the submissions of the complainant, the following order is passed.

INTERIM ORDER

The Respondent/Promoter **M/s SAN INFRASTRUCTURE PRIVATE LIMITED, 11 & 12, 2ND Floor , P.S. Plaza, Jawaharlal Street, Platform Road, Seshadripuram, Bengaluru Urban-560 020** 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