

PROCEEDINGS OF THE AUTHORITY BEFORE BENCH-4

Present

SHRI. H.C. KISHORE CHANDRA, HON'BLE CHAIRMAN

Dated 7th March 2023

COMPLAINT No: CMP/UR / 190510/0002970/2970

Complainant..

**B.G. NATESH AND
M.C. PRATIBHA
GURU PRASANNA NILAYA
2ND MAIN OPPOSITE M.G.
STADIUM, SHARADADEVI
NAGAR, TUMKUR-572 103.**

**(BY Sri. E. SUHAIL AHMED,
JASLEEN KAUR
ADVOCATES)**

v/s

Respondent....

**M/S LAKE POINT BUILDERS
PRIVATE LIMITED
DALMAL TOWERS
NARIMAN POINT
MUMBAI-400 021**

(EXPARTE)

INTERIM ORDER

1. This complaint is filed under section 31 of Real Estate (Regulation and Development) Act, 2016 against the project "THE VILLAS" developed by "M/s LAKEPOINT BUILDERS PRIVATE LIMITED" for the relief of completion of work, interest on delay period.
2. This project is not registered in RERA.

Asst

3. The gist of the complaint is that the complainants have booked a residential cottage bearing no. 616 in the project "THE VILLAS" of the respondent. Accordingly, the complainants have entered into an agreement to sell for a consideration of Rs.45,00,000/- (Rs. Forty five lakhs only) and the construction agreement for a consideration of Rs.81,90,000/- (Rs. Eighty one lakhs ninety thousand only) with the respondent on 30/12/2010. The purchasers have paid to the respondent/promoter consideration of Rs.1,26,90,000/- (Rs. One crore twenty six lakhs ninety thousand only) to the respondent/promoter. The respondent is obligated to hand over the possession within 30 months from the date of construction agreement dated 31/12/2010. The complainants have approached this forum with a direction to the respondent to provide the following reliefs:

- (a) to pay interest on Rs.1,26,90,000/- at the rate prescribed under the RERA Act for every month of delay caused calculated from 30.12.2013 upto the date of handing over of possession of the property;
 - (b) to rectify all defects as notified to it by the complainants from time to time;
 - (c) to pay compensation towards the estimated cost of rectification of defects;
 - (d) to damages towards maintenance charges incurred by the complainants to the tune of Rs.1,45,440 on account of no maintenance services being provided by the respondent
4. The promoter has developed this project in Sanna Ammanikere Village, Kasaba Hobli, Devenahalli Taluk, Bengaluru rural district comprised in Sy.no. 176, 177 and 178.

Asst

5. After registration of the complaint, in pursuance of notice served, the respondent remained continuously absent during the hearings held on 25/11/2022, 16/12/2022, 23/01/2023, 10/2/2023 and finally on 6/3/2023. Since the respondent remained absent on all the aforesaid dates of hearings and hence he has been placed as ex-parte.
6. 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.
7. On consideration of the submissions of the complainant, the following order is passed.

INTERIM ORDER

The Respondent/Promoter **M/s LAKEPOINT BUILDERS PRIVATE LIMITED, DALAMAL TOWERS, NARIMAN POINT, MUMBAI-400 021** 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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