

ಕರ್ನಾಟಕರಿಯಲ್ 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**

**Dated 13<sup>th</sup> March 2022**

**Complaint No. CMP/220920/0010032**

Complainant.....

VIVANSAA AURIGAA  
APARTMENT OWNERS CO-  
OPERATIVE SOCIETY LIMITED  
The Association of the Allottees  
under  
The KARNATAKA CO-  
OPERATIVE SOCIETIES ACT,  
1959  
Having its office at:  
Club House, Ground Floor  
Vivansaa Aurigaa Apartments,  
Sy. No. 36/6 & 36/7, Chembanahalli  
Village,  
Sarjapur Road, Sarjapura Hobli,  
Anekal Taluk,  
Bangalore - 560125

And

Respondents.....

1. Ms. VIJCON PROPERTIES,  
A partnership firm having its  
registered office at:  
No-88, First Floor,  
17th Cross, 14th Main, IV Sector, HSR  
Layout,  
Bangalore-560102
2. Represented through its partners  
Mr. Vijay Agarwal,

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3. Mr. Vijay Omprakash Agarwal,  
Managing Partner:  
Vijcon properties,  
registered office:  
No-88, First Floor,  
17th Cross, 14th Main, IV Sector, HSR  
Layout,  
Bangalore-560102.

4. Mr. Swapnil Devendra Agarwal,  
Partner Vijcon properties,  
registered office:  
No-88, First Floor,  
17th Cross, 14th Main, IV Sector, HSR  
Layout,  
Bangalore-560034

5. Mr. Shubham Omprakash Agarwal  
S/o Sri. Omprakash Agarwal  
registered office:  
No-88, First Floor,  
17th Cross, 14th Main, IV Sector, HSR  
Layout  
Bangalore-560034

6. Smt .U. Anitha Reddy,  
Wife of Shri U. Yeshwardhan Reddy,  
Aged about 44 years,  
R/o H.No -T-401, Red wood  
Apartments,  
Haralur Road, Off Sarjapura Road,  
Bangalore-560102

7. Smt M. Pallavi Reddy  
w/o Shri M. Rajenda Reddy,  
Aged about 42 years,  
R/o- H.No - T-406, Red wood  
Apartments,  
Haralur Road, Off Sarjapura Road,

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Bangalore-560102.

8. **Sri. U Yeshwardhan Reddy**

9. **Son of late U.L reddy,**

Aged about 44 years,

R/o No -T-401, Red wood

Apartments,

Haralur Road, Off Sarjapura Road,

Bangalore-560102

10. **M/s. Indiabulls Finance  
Limited**

"4th Floor, Tower I, Elphinstone Road,  
Mumbai 400013,

11. **CFM Asset Reconstruction  
Private Ltd.**

Having its registered Office at:

A/3, 5th Floor, SafalProfitaire,

Near Prahlad Nagar Garden,

Ahmadabad,

Gujrat - 380015

Having its Corporate office at:

1st Floor, Wakefield House,

Sprott Road, Ballard Estate,

Fort, Mumbai - 400038

12. **Assets Care & Reconstruction  
Enterprise Ltd (ACRE)**

Having its registered Office at:

2nd Floor, Mohan Dev Building ,

13 Tolstoy Marg,

New Delhi-110001

13. **M/s. PNB Housing Finance  
Limited (Registered Office)**

1/26

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"9th AntrikshBhawan, 22 Kasturba  
Gandhi Marg,  
New Delhi - 110001,

14. M/s. State Bank Of India,  
RACPC-II, Koramangala, Bangalore  
#12, Ground, 2nd & 3rd Floor, 80 Feet  
Road, 1st Block,  
Koramangala, Bangalore- 560 034.

15. M/s. YES Bank Ltd  
Ground Floor & Basement 408, 4th  
cross,  
CMR Main Rd, 2nd Block, HRBR  
Layout,  
Kalyan Nagar, Bengaluru-560084

16. M/s. Dewan Housing Finance  
Corporation Ltd.(DHFL)  
Now M/s. Piramal Capital and  
Housing Finance Limited  
1347/36,2nd Floor, Ragigudda Circle,  
South end, Main Road, 9th Block  
Jayanagar,  
Bengaluru - 560069

17. M/s. Industrial Credit and  
Investment Corporation of India  
(ICICI)  
1st Floor, No.165 & 166, Manjunatha  
Chambers,  
Mahalakshmpuram, Shankara Nagar  
Main Rd,  
Yeswanthpur,  
Bengaluru - 560096

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18. M/s. Housing Development  
Finance Corporation Limited  
(HDFC)

51, Kasturba Rd, Shanthala Nagar,  
Ashok Nagar,  
Bengaluru- 560001

19. M/s. Life Insurance  
Corporation of India(LIC)

Hayes Centre, 15/1, II FLOOR, Hayes  
Rd,  
Bengaluru- 560025

20. M/s. Guaranteed Investment  
Certificate (GIC)

GIC Housing Finance Ltd.  
45, Richmond Rd, Shanthala Nagar,  
Ashok Nagar,  
Bengaluru - 560025

21. M/s. Sundaram finance  
Sundaram Home Finance Limited

Silver Square, No. 295, 2nd Floor,  
Whitefield Main Rd,  
Bengaluru - 560066

22. M/s. Larsen & Toubro  
Limited (L & T)

Pride Hulkul, Unit No.1, 3rd Floor,  
116,

Lal Bagh Main Rd, Sudhama Nagar,  
Bengaluru - 560027

23. M/s. India Infoline Limited  
(IIFL)

IIFL Finance Ltd.







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#11, Adams Chamber, 1st floor,  
Opp India Bulls, Richmond Road,  
Bangalore - 560025.

**Interim order**

1. This complaint is filed under section 8 of RERA Act seeking permission to take over the project by the association/society of allottees for completion in phased manner. The complainant association has submitted their proposal and plans for completion of the project by them.
2. This project has been registered under RERA bearing No. PRM/KA/RERA/1251/308/PR/171230/002053.
3. Gist of the Complainant case is that they are association of the allottees who have paid the entire sale consideration towards purchase of their apartments in the project of respondent No. 1 namely Vivansaa Aurigaa situated at sy. nos. 36/6 and 36/7 (old sy.no.36) measuring 31 guntas situated at Chambenahalli Village, SarjapuraHobli, Anekal Taluk, Bangalore District.
4. During the construction, the respondents no.1 to 4 have abandoned the project due to burden of pre EMI under the subvention scheme of the lenders. So many allottees have invested their hard earned money in the said project. Hence, they have decided to join together to continue with the construction of the project as there was no any alternative. They have also decided to infuse additional funds for completion of the project.
5. Further, these respondents have alienated more apartments than available. These being the facts, now the lenders are causing obstructions in the progress of construction activities due to which complainant association is finding it difficult to continue and to complete the project.
6. Further, on enquiry complainant association came to know that respondent no. 5 to 7 who are landowners have initiated Arbitration proceedings in AA no. 177/2022 in which settlement is going on. Hence, prayed to allow the complainant association to continue and complete the project without interruption by all the respondents.

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7. In pursuance of the notice, the respondents nos. 5, 6, 7, 12, 13 and 19 have appeared before the Authority through their respective counsels. But they have not filed any statement of objections and produced documents on their behalf. The respondent no.1, 2, 3, 4, 8, 9, 10, 11, 14, 15, 16, 17, 18, 20 and 21 have not appeared before the Authority and not contested the matter.
8. Heard arguments.
9. Perused the entire records. Though the several notices and summons were served on all the respondents they have not contested the matter inspite of providing sufficient opportunity. It is apparent from the available materials on record that the respondents no. 1 to 4 have abandoned the said project and several allottees have invested the huge amount in the said project. According to the complainant association the respondent nos. 1 to 4 have alienated the apartments more than availability. Further, the respondent nos. 8 to 21 who are the financiers have initiated SARFAESI proceedings and attached few flats and are trying to alienate the same. Under such circumstances in order to avoid multiplicity of the proceedings, at this stage we are of the opinion that it is just and proper to issue following directions to the respondents as well as complainant association.


ORDER

1. The respondent no. 1 to 7 are hereby directed not to make further alienation of any apartment in the project VivansaaAurigaa' developed in Property bearing Survey Numbers 36/6 and 36/7 (Old Survey Number 36) ad-measuring thirty-one guntas situated at Chambenahalli Village, SarjapuraHobli, Anekal Taluk, Bangalore District having RERA registration No. PRM/KA/RERA/1251/308/PR/171230/002053 till further orders.
2. The respondent no. 8 to 21 are hereby restrained from initiating any action regarding auction, sale, mortgage, etc with regard to any apartments of said project.

The Authority recommends u/s. 32 of RERA act the Inspector General of Registration and Stamps and the Jurisdictional Sub-Registrars not to register any kind of conveyance in respect of project VivansaaAurigaa.







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Further, the Authority recommends u/s 32 of the RERA Act the Registrar of Co-operative Society and their subordinates to take steps to register the application of Vivansaa Aurigaa apartment owners Co-operative society limited

Further, the association is permitted to make paper publication issuing public notice regarding continuing and completing the said project by the complainant association.

  
(Neelamani N Raju)  
Member  
K-RERA

  
(G.R. Reddy)  
Member  
K-RERA

  
(H.C. Kishore Chandra)  
Chairman  
K-RERA

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