

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 BEFORE THE AUTHORITY**

**Dated 15th September 2023**

**CMP/220504/0009421**

**Present**

**Hon'ble Chairman Shri. H.C. Kishore Chandra**

**Hon'ble Member Shri. G.R.Reddy**

**Complainants.....**

**1. VARUN KUMAR SINGH**  
**2. BEENA RAJARAM SINGH**  
1106, VPR FORTUNA,  
Sarjapur Main Road, Dodakannalli,  
Bengaluru - 560035.  
(In person)

**v/s**

**Respondent.....**

**FRONTIER SHELTERS PVT LTD**  
NO 422 80 FEET ROAD,  
6TH BLOCK KORAMANGALA  
Bengaluru-560095.  
(By Shri. Girish Kumar, Advocate )

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1. This complaint is filed under section 31 of the RERA Act against the project "FRONTIER HEIGHTS" developed by "FRONTIER SHELTERS PVT LTD" of the respondent for the relief of possession, reimbursement of EMI and rent.
2. This project has been registered under RERA vide registration No. PRM/KA/RERA/1251/446/PR/171214/001250.

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1. In the Partly Affirmative.
2. As per final order for the following

**REASONS**

11. **Findings on Point No.1:-** The complainants have approached this forum seeking for the relief of possession reimbursement of EMI and rent. The grounds urged are that the complainants have booked a flat bearing No.5123 in the project of the respondent by entering into an agreement of sale on 19/07/2021. As per the said agreement the respondent was supposed to handover possession of the said flat to the complainants before 31/10/2021. But till date he has not handed over the possession of the said flat to the complainants.

12. Looking to the averments of agreement, parties herein have entered into an agreement of sale on 19/07/2021. The agreement of sale is a key instrument which binds the parties in a contractual relation so as to be properly enforced in accordance with law, it is quite necessary that it shall be free from any ambiguity and vagueness. As per the terms of agreement of sale, the respondent was supposed to handover the possession of said flat to the complainants in October 2021. But the respondent had not completed and handover the possession of the said flat to the complainants till date.

16. The complainants have sought for the relief of possession of their flat. As per agreement of sale the total sale consideration of said flat is Rs. 82,96,564/- (Eighty two lakh ninety six thousand five hundred sixty four) and the complainants have paid 78,53,785/- (Seventy eight lakh fifty three thousand and seven hundred eighty five only) to the respondent. Having accepted substantial sale consideration and failure on the part of the respondent to complete the project and to handover the said flat certainly entitles the complainants for possession.

17. Further, the complainants have sought for reimbursement of EMI and rent paid by them. As far as reimbursement of EMI is concerned, the

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**ORDER**

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. **CMP/220504/0009421** is hereby partly allowed as under.

1. The respondent is directed to complete the project and to handover the flat No.5123 in the project FRONTIER HEIGHTS to the complainants within 60 days from the date of order.
2. The complainants are at liberty to file a separate complaint for the relief of reimbursement of rent before Adjudicating Officer.
3. Further, the complainants are at liberty to initiate action in accordance with law, if the respondent fails to comply with this order.

No order as to costs.

  
(G.R.Reddy)  
Member  
K-RERA

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