

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 FULL BENCH

PRESENT:

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

SMT. NEELMANI N RAJU, HON'BLE MEMBER

SHRI. GURIJALA RAVINDRANADHA REDDY, HON'BLE MEMBER

COMPLAINT NO.: CMP/2111106/0008517

DATED THIS 19th DAY OF SEPTEMBER, 2023

COMPLAINANTS.....

- SABITA SALIKAR,**
- PAVAN SALIKAR,**
T 304, 'A' Block,
Canopy Calyx Apartments,
MMR Road, Coffee Board Layout,
Kempapura,
Bengaluru - 560024.

(In person)

V/S

RESPONDENT.....

M/S. TULASI INFRA PROJECTS,
No.255/E/A, Ground Floor,
3rd Main, Garden English School Road,
Ankappa Layout, Uttarahalli,
Bengaluru - 560061.

(Ex-parte)

- This complaint is filed under section 31 of the RERA Act against the project "Tulasi Premier" developed by "M/s. Tulasi Infra Projects" situated in Sy. No.51/2 & 51/3, situated at Chembenahalli Village, Sarjapura Hobli, Anekal Taluk, Anekal, Bengaluru Urban for the relief of direction to the respondent to execute the sale deed and to transfer Khata in the name of the complainants.







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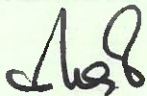
Karnataka Real Estate Regulatory Authority,

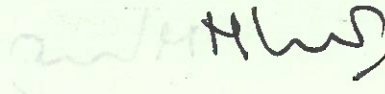
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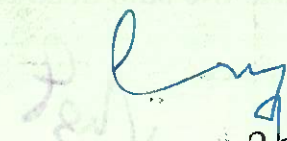
2. This project has been registered under RERA vide registration No.PRM/KA/RERA/1251/308/PR/180131/001867 and was valid from 31/08/2017 to 30/11/2017.

Brief facts of the complaint are as under:-

3. The complainants have booked a 2 BHK residential flat bearing No.B005 in the project 'Tulasi Premier' of the respondent for a total sale consideration of Rs.30,00,000/- (Rupees Thirty Lakhs Only) and the complainants have paid Rs.10,00,000/- (Rupees Ten Lakhs Only) on 07/11/2020 and 13/11/2020 for which the respondent has signed on a stamp paper as receipt. Remaining amount of Rs.20,00,000/- (Rupees Twenty Lakhs only) is to be paid at the time of registration. Even after completion of the project, the respondent has failed to execute the sale deed in favour of the complainants. The respondent has been giving one or the other excuses like lockdown, sickness in his family, Telangana State elections etc., but, the respondent has permitted the complainant to complete interiors and advising them to take the possession and will do the registration later. Hence, this complaint.
4. After registration of the complaint, in pursuance of the notice, the respondent has never appeared before the this Authority and not contested the matter by filing statement of objections, producing documents etc.,
5. In support of their claim, the complainants have produced in all 2 documents such as copy of payment receipts dated 07/11/2020 and 13/11/2020.
6. Hearings were conducted on 14/09/2022, 30/09/2022, 12/10/2022, 28/10/2022, 10/01/2023, 17/01/2023, 01/03/2023, 25/04/2023 and finally on 19/07/2023.
7. Heard complainants.







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8. **On the above averments, the following points would arise for our consideration:-**

1. Whether the complainants are entitled for the relief claimed?
2. What order?

9. **Our findings on the above points is as under:-**

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

REASONS

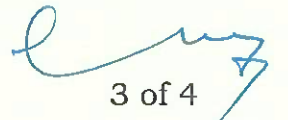
10. **Our finding on point No. 1:-** The complainants have approached this forum seeking for the relief of direction to the respondent to register the sale deed and to transfer Khata in their favour in respect of flat bearing No.B005 in the project Tulasi Premier of the respondent. The grounds urged are that, they have purchased the said flat for a total sale consideration of Rs.30,00,000/- (Rupees Thirty Lakhs Only) and have paid Rs.10,00,000/- (Rupees Ten Lakhs Only) to the respondent. It was agreed between the parties that remaining sale consideration is to be paid at the time of registration of sale deed. Now the said project has been completed.

11. Undisputedly, the complainants have paid Rs.10,00,000/- (Rupees Ten Lakhs Only) to the respondent towards purchase of said flat in the project 'Tulasi Premier' on 07/11/2020 and 13/11/2020. In response to the notices, the respondent has not appeared before the Authority to participate in the proceedings. He has remained continuously absent and not disputed the claim of complainants in any manner. Hence, the claim of complainants remained unchallenged and it is corroborating with cogent materials.

12. In the absence of any resistance by the other side, there is no scope remained for further discussion. It is apparent from the aforesaid payment receipts that, the respondent has failed to execute the sale deed in favour of the complainants and to transfer khata in their names even after receiving the







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said sale consideration. Under such circumstances, it is just and appropriate to issue direction to the respondent to execute the sale deed of said flat and to transfer the khata of the same in favour of complainants. Accordingly, the point raised above is answered in the Affirmative.


13. **Our finding on point No.2:-** In view of the above discussion, the complaint deserves to be allowed. Hence, we proceed to pass the following

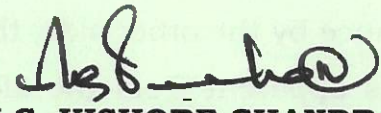
ORDER

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. CMP/2111106/0008517 is hereby allowed.

1. The Respondent is hereby directed to execute the sale deed in respect of flat bearing No. No.B005 in the project 'Tulasi Premier' and to transfer the Khata of the same in favour of the complainants upon receipt of balance sale consideration within 60 days from the date of receipt of this order.
2. The complainants are at liberty to initiate action in accordance with law if the respondent fails to comply with this order.


(G.R. REDDY)
Member
K-RERA


(NEELMANI N RAJU)
Member
K-RERA


(H.C. KISHORE CHANDRA)
Chairman
K-RERA