

PROCEEDINGS OF THE AUTHORITY
BEFORE BENCH-5
PRESIDED BY HON'BLE MEMBER G.R. REDDY
COMPLAINT NO.CMP/210926/0008382

Dated 3rd NOVEMBER, 2023

COMPLAINANTS : Ms.Nithya Chellam
G001, Meadow in the Sun
West Owners Court,
New Hosa Road
Bangalore : 560035

(Party in Person)

RESPONDENT / : M/s.Inner Spaces
PROMOTER # 102, Leafy Blocks Owners Court
Wet Kasavanahalli Main Road
Bengaluru : 560 035

(By Mr.Prashanth Mirle, Advocate)

PROJECT NAME & : MEADOW IN THE SUN
REGISTRATION NO. PRM/KA/RERA/1251/446/PR/
180131/000544

J U D G E M E N T

This complaint is filed under Sec-18 of the Real Estate (Regulation and Development) Act, 2016 before this Authority against the project **MEADOW IN THE SUN** praying for a direction to pay Delay Period Interest.



BRIEF FACTS OF THE COMPLAINT ARE AS UNDER:-

1. The Complainant has entered into an agreement of sale with the Respondents on 22.08.2018 for purchase of an apartment. The project completion date as per agreement was 30.06.2019. The complainant has paid an amount of Rs.1,75,05,000/- (Rupees One Crore Seventy Five Lakhs Five thousand only) to the respondent till the date of complaint. Since there was delay of more than two years in handing over the apartment, the complainant has filed the above complaint before the Authority praying for a Direction to the Respondent to pay Delay Period Interest.

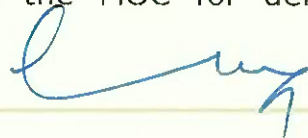
2. On a perusal of the sale agreement, it is seen that the completion date is agreed as 30.06.2019. The promoter-respondent was required to complete the project and hand over possession of the apartment by 30.06.2019. In case where the respondent-promoter has failed to complete or unable to handover the possession of the apartment to the allottee, the Allottee has a right to file a complaint before the Authority and hence this complaint is admissible for relief in accordance with Section 18 of the Act.

3. After registration of the complaint, notice was issued by the Authority to both complainant and the Respondent to appear before the Authority. In pursuance of the notice, issued by the Authority, the Complainant has appeared in person and

the respondents have appeared before the Authority through their counsel.

4. On a perusal of the documents filed and submissions made before the Authority by the complainant, admittedly the Respondent has not disputed with regard to amount paid by the complainant till the date of complaint and also delay in completion of the project. It is evident that complainant has paid advance sale consideration amount and admittedly there is a delay of more than two years in handing over the apartment as per the agreement. Hence the complainant is entitled to delay period interest u/s 18 of the Act and accordingly a memo of calculation is submitted by the Complainant.

6. The Complainant has submitted before the Authority that the Respondents have executed the sale deed on 15.09.2021. The Respondent obtained Occupancy certificate on 21.3.2022. Possession was taken over by the Complainant with a delay of more than two years. The Respondent has not submitted any documents in support of its contention nor filed any statement of objections in spite of availing 6 opportunities. Hearings were conducted on 13.09.2022, 13.10.2022, 27.10.2022, 15.06.2023, 12.07.2023 and 21.09.2023. On the other hand, the Complainant has submitted various documents such as copy of the sale deed, sale agreement, construction agreement, email correspondence, consolidated receipt issued by the promoter-respondent for having paid the sale consideration etc. The Complainant has submitted the MOC for delay period




interest and served on the Respondent. The Respondent did not dispute the MOC for delay period interest filed by the Complainant. From the documents referred to above, submitted by the complainant, it clearly establishes that there is a delay in handing over possession of the apartment and the Complainant is entitled to Delay Period Interest as per the Act.

HENCE, the Authority orders the following:

ORDER

1. In exercise of the powers conferred under Section 31 read with section 18 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing CMP/210926/0008382 is hereby allowed.
2. The Respondent is directed to pay interest on delay period at the rate of SBI MCLR + 2 from 30.06.2019 till the date of possession i.e., 15.09.2021. The promoter shall pay the interest for the delay period as arrived at by the complainant amounting to Rs.37,60,613/- (Rupees Thirty Seven Lakhs Sixty thousand six hundred thirteen only).
3. The Promoter-Respondent is also directed to pay interest on Rs. Rs.37,60,613/- (being the delay period interest awarded up to the date of possession i.e., 15.09.2021) for the subsequent period of delay in payment of the delay period interest to the Complainant at the rate of SBI MCLR + 2% up to the date of payment/realisation.

4. The Promoter-Respondent is directed to pay the amounts awarded at Sl.No.2 & 3 of the operative portion of the order within 60 days from the date of this order. The Complainant is at liberty to initiate action for recovery in accordance with law, if the respondent fails to pay the amount as per the orders of this Authority.


(G.R. REDDY)
MEMBER
FIFTH ADDITIONAL BENCH
K-RERA

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