

PROCEEDINGS OF THE AUTHORITY BEFORE BENCH 5

PRESIDED BY SHRI G.R. REDDY, HON'BLE MEMBER

Dated 3rd November 2023

COMPLAINT NO: CMP/210828/0008278

COMPLAINANT:

**Mr. ARUN KUMAR
S/o M. Mallikarjun
Aged about 29 years,
R/at No. 217, A Block, Green Earth
Atrium, Atrium Road,
Chanasandra Main Road,
Whitefield, Bangalore-560067**

(Party in person)

RESPONDENT.....

**M/s GREEN EARTH VENTURE
1019, Geetanjali Layout,
New Thippasandra,
HAL 3rd State,
Bangalore-560075**

(None appeared)

JUDGEMENT

1. This complaint is filed under section 31 of the RERA Act against the project "GREEN EARTH ATRIUM developed by GREEN EARTH VENTURES for the relief of direction to the Respondent to provide Kaveri water connection, Pollution Certificate of STP from NGT and amenities as agreed.
2. This project has been registered with RERA vide registration No. PRM/KA/RERA/1251/446/PR/180131/0001516.
3. This project is situated at Sy.No. 136, Nagondanahalli Village, Whitefield, behind Whitefield Global School, Bengaluru East, Bengaluru Urban.



4. Brief facts of the complaint is as under:

The Complainant had booked apartment bearing No.217, in second floor, with the Respondent. The respondent had executed Sale Deed in favour of the complainant on 13-09-2019 and took possession of the Apartment. The complainant had filed this complaint Under Sec. 31 of RERA Act praying for the following reliefs:

To direct the Respondents to take immediate steps to provide BWSSB water connection and STP connection and any other amenities as per agreement

5. The complainant has submitted that the Respondent had collected Rs. 75,000/- (Rupees Seventy Five thousand only) for BWSSB connection and not paid to Government. The complainant has also submitted that STP connection is not installed and failed to provide amenities as per agreement. Hence, the complainant filed this complaint before this Authority praying for the above reliefs.

6. After registration of the complaint notice was issued to both the Parties. In pursuance of the notices, the complainant had appeared before the Authority and submitted copy of the Sale Deed and Proceedings of the full bench, wherein a direction was issued to the respondent to provide amenities immediately. The respondent has not appeared before the Authority and not contested the matter by filing statement of objection or producing any documents on its behalf.

7. Keeping the Principles of natural justice this Authority has issued summons to Respondent to appear before this Authority on 25-07-2023. The summons returned unserved as the respondent has left the address. The respondent remained absent and not filed any statement of objection.



8. The complaint is posted for further hearing on 06-09-2023 giving final opportunity to Respondent to appear and submit documents and statement of objection. In spite of sufficient opportunities the respondent not choose to appear and to defend his claim by filing documents, written submissions etc.,

9. This matter is heard on 27-06-2023, 25-07-2023 and finally on 06-09-2023.

10. On the above averments, the following points would arise for my consideration:-

3. Whether the complainant is entitled for the relief claimed?
4. What order?

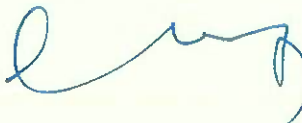
11. My answer to the above points are as under:-

3. In the Affirmative.
4. As per final order for the following.

REASONS

12. My answer to Point No.1:- On perusal of the compliant it is apparent that the compliant has sought for reliefs such as BWSSB water connection, STP connection etc., as per agreement. The complainant has appeared before this Authority and submitted documents and argued on the complaint. The respondent never appeared before this Authority even though sufficient opportunities were given.

13. As the respondent has not contested and defended his claim. The respondent utterly failed to provide amenities to the complainant even after collecting the amount from the complainant.


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14. The complainant has every right to get amenities as per the agreement and the respondent is bound by the agreement to provide the amenities as per the agreement. The complainant has paid the amount to the respondent to get the amenities as per agreement. It is the duty of the respondent to provide amenities as per agreement and he cannot escape from the providing amenities.

15. Under the circumstances and as discussed above, this Authority concludes that the complainant is entitled to get all amenities as promised by the respondent as per agreement.

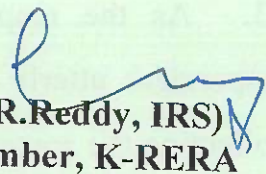
16. **My Answer to Point No.2:** In view of the above discussion, I am of the opinion that this complaint deserves to be allowed. Hence, I proceed to pass the following:

ORDER

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. **CMP/210828/0008278** is hereby allowed as under.

1. The respondent is hereby directed take steps to provide BWSSB water connection and STP connection and any other amenities as per agreement within 30 days from the date of this order. The complainant is 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, IRS)
Member, K-RERA