

PROCEEDINGS OF THE AUTHORITY BEFORE BENCH 5

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

Dated 3rd November 2023

COMPLAINT NO: CMP/221010/0010101

COMPLAINANT...

**1. ALLEN SKARIAH
S/o Mr. Skariag
Aged about, 30 years,**

**2. Mrs. ANN PHILIP
W/o Allen Skariah
Aged about 30 years,**

**Both residing at No. 119,
Green Earth Atrium,
Atrium Road, Near Prestige
Mayberry, Magondanahalli,
Whitefield,
Bangalore-56006
(Parties in person)**

RESPONDENT.....

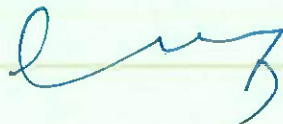
**M/s GREEN EARTH VENTURE
1019, Geetanjali Layout,
New Thippasandra,
HAL 3rd State,
Bangalore-560075**

(None appeared)

JUDGEMENT

1. This complainants 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:

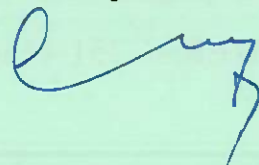
The Complainants have booked apartment bearing No.119 in floor, with the Respondent. The respondent had executed Sale Deed in favour of the complainant and took possession of the Apartment. The complainant had filed this complaint Under Sec. 31 of RERA Act praying for the following reliefs:

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 complainants have submitted that the Respondent had collected Rs. 75,000/- (Rupees Seventy Five thousand only) for BWSSB connection and not paid to Government. The complainants have also submitted that STP connection is not installed and failed to provide amenities as per agreement. Hence, the complainants 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 complainants have 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 17-08-2023. 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 17-08-2023 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 17-08-2023.

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

3. Whether the complainants are 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 complainants have sought for reliefs such as BWSSB water connection, STP connection etc., as per agreement. The complainants have 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 complainants even after collecting the amount from the complainants.



14. The complainants have 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 complainants have 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 complainants are entitled to get all amenities as promised by the respondent as per agreement.

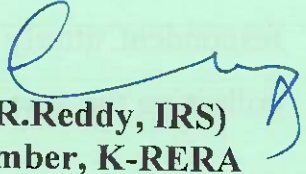
16. **My Answer to Point No.2:** In view of the above discussion, I am of the opinion that this complaint deserves to be allowed. Hence, I proceed to pass the following:

ORDER

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. CMP/221010/0010101 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 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, IRS)
Member, K-RERA