

PROCEEDINGS OF THE AUTHORITY

BEFORE BENCH 5

PRESIDED BY HON'BLE MEMBER G.R. REDDY

COMPLAINT NO: CMP/UR/220412/0009353

DATED THIS 13th DAY OF NOVEMBER, 2023

COMPLAINANTS : Mr. Shivayogi Mallikarjun
Flat No. A901, Marvel Sequoia
Apartment, AB Vajpayee Road
Channasandra Main Road
Bangalore : 560 067

(Party in person)

RESPONDENT / PROMOTER : M/s. MRKR Constructions & Industries
Mera Homes, Seegehalli, Kadugodi
Bengaluru, Karnataka 560067

(None appeared)


PROJECT NAME & REGISTRATION NO. : MRKR MERA HOMES
UN-REGISTERED

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 **MRKR MERA HOMES** praying for a direction to Refund the amount paid with Interest.

BRIEF FACTS OF THE COMPLAINT ARE AS UNDER:-

1. As per the details furnished by the Complainant in the memo of calculation, the complainant has paid a sum of Rs.1,00,000/- (Rupees one lakhs only) towards purchase of an

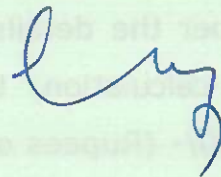


apartment in the project known as **MRKR MERA HOMES** on 14.02.2021. Before entering into agreement, the complainant due to some personal inconvenience the complainant sent an email dated 22.02.2021 cancelling the booking within 10 days from the date of paying the booking advance and requested for refund of the booking amount. The Respondent confirmed the cancellation by receiving the documents and booking form and failed to refund the booking amount paid by the complainant. Since the respondent did not respond for the email communication sent by the complainant nor refunded the booking amount paid by the complainant. Hence, the complainant has filed the above complaint before the Authority praying for following relief and the same is admissible for relief in accordance with Section 18 of the Act.

REFUND OF THE BOOKING AMOUNT

2. After registration of the complaint, notice was sent to both the complainant and respondent to appear before the Authority. Complainant has appeared before the Authority filed memo of calculation for refund with interest together with supporting documents and served the same on the respondent. The respondent has not entered appearance and filed any statement of objections.

3. From the information furnished by the Complainant in its memo of calculation for refund with interest, it is apparent that the complainant has paid the advance amount and the respondent has received the same.



4. As per Section 18 of RERA Act, in case the allottee wishes to withdraw from the project the promoter is liable without prejudice to any other remedy available, to return the amount received by him in respect of that apartment, plot, building as the case may be with interest at such rate as may be prescribed in this behalf including compensation in the manner as provided under this Act. Therefore, as per Section 18 of the Act, the promoter is liable to return the amount received along with interest.

5. From the averments made in the complaint it is evident that complainant has paid the advance sale consideration amount and are entitled to get their amount paid along with interest as per the memo of calculation submitted by the Complainant. The Promoter-Respondent has not submitted any memo of calculation.

6. Therefore, it is incumbent upon the respondent to refund the amount with interest which is determined as under:

Memo of Calculation for Refund submitted by the Complainant as on 10.08.2023

| Principle amount (A) Rs. | Interest (B) As on 10.08.2023 Rs. | Refund from Promoter (C) Rs. | Total Balance Amount (A+B) Rs. |
|-------------------------------------|--|---|---|
| 1,00,000 | 23,109 | | 1,23,109 |

And accordingly the Authority passes 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 **No. CMP/UR/220412/0009353** is hereby allowed.

2. Respondent is directed to refund a sum of **Rs. 1,23,109/- (Rupees One lakhs twenty three thousand one hundred nine only)** towards refund with interest to the complainant within 60 days from the date of this order as per the calculation of the Complainant, calculated from 01/05/2017 till 10.08.2023. The interest due from 11.08.2023 up to the date of final payment will be calculated likewise and paid to the complainant. 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 order of this Authority.

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

| Principle Amount (A) Rs. | Interest (B) As on 10.08.2023 Rs. | Amount from Promoter (C) Rs. | Total Balance Amount (A+B) Rs. |
|-----------------------------|--|---------------------------------------|--|
| 1,00,000 | 23,109 | | 1,23,109 |