

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 BENCH-4**

**PRESIDED BY SHRI. H.C. KISHORE CHANDRA, HON'BLE CHAIRMAN**

**DATED 20<sup>th</sup> DAY OF NOVEMBER 2023**

**COMPLAINT No: CMP/220811/0009865**

**COMPLAINANT....**

**DEEP NARAYAN BHARTI  
SHEPHALI  
B-706, GK GOLDEN CITY  
PARAPPANA AGRAHARA  
MAIN ROAD  
KUDLU VILLAGE  
BENGALURU URBAN-560068  
(IN PERSON)**

**V/S**

**RESPONDENT.....**

**M/S G.K. SHELTERS PRIVATE  
LIMITED  
NO: 27-44/144, 4<sup>th</sup> BLOCK  
JAYANAGAR  
BENGALURU URBAN-560011**

**(Rep. by SHIVA REDDY T.N.  
ADVOCATE)**

**JUDGEMENT**

1. This complaint is filed under section 31 of RERA Act against the project "GK GOLDEN CITY" developed by "M/s GK SHELTERS

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**PRIVATE LIMITED**” for the relief of direction to the respondent for completion of pending works and to provide occupation certificate.

2. This project is registered in RERA bearing registration No. PRM/KA/RERA/1251/446/PR/171215/001418.
3. The promoter has developed this project in the limits of Sy.Nos.14/2, 15/2 and BBMP Khatha No.44/14/2.15/1 & 15/2 situated at Kudlu Village, Sarjapura Hobli, Anekal Taluk, Bengaluru Urban District.
4. The gist of the complaint is that the complainants have booked a flat bearing No. 706 on the seventh floor, Block-B in the project “ GK GOLDEN CITY” of the respondent for a sale consideration of Rs.47,75,000/- (Rs. Forty seven lakhs seventy five thousand only). The complainants have paid an amount of Rs.1,00,000/- on 24/6/2017, Rs.1,50,000/- on 3/7/2017, Rs.50,000/- on 3/7/2017, Rs.4,82,750/- on 18/8/2017, Rs.47,750/- on 18/8/2017 and Rs.39,45,000/- being the loan amount sanctioned by State Bank of India, Koramangala Branch, Bengaluru, altogether Rs.47,75,000/- (Rs. Forty Seven lakhs seventy five thousand only) which has been duly acknowledged by him. Thereafter the respondent has executed a sale deed in favour of the complainants on 01/09/2017 and handed over the possession. It is contended that the builder and the landowner have committed that all pending works like lift license/fire safety/occupancy certificate would be cleared as soon as possible. But even after 5-6 years, they are yet to receive any further update on pending works from the builder. They are in occupation of the said flat and paying all necessary taxes but the builder has not

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provided occupancy certificate till date. Therefore, they have approached this Authority for the relief of direction to the respondent-builder to complete all the pending works and to provide occupation certificate. Hence, this complaint.

5. After registration of the complaint, in pursuance of the notice, the respondent's counsel did appear before this Authority and filed vaklat. Hence, in spite of providing sufficient opportunity, it is seen that the neither the complainant nor his counsel appeared before the Authority to put forth their grievances and have not taken any interest to participate in the proceedings by filing statement of objections, producing documents if any on his behalf but remained continuously absent during the hearings held on 28/10/2022, 14/11/2022, 30/11/2022, 27/12/2022, 27/1/2023, 23/2/2023, 28/3/2023, 27/4/2023, 7/6/2023, 6/7/2023, 28/7/2023, 11/8/2023.

6. The complainants, in support of claim have produced documents such as copy of sale deed dated 01/9/2017, BBMP receipt.

7. The respondent in support of his defence, has not furnished any documents.

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

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

9. **Answer to the above points are as under:-**

1. Partly Affirmative.



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2. As per final order for the following

**FINDINGS**

10. **Findings on point No.1.** The grievance of the complainants are that the there are many works left uncompleted as per the compliance norms while building the flats. All pending works like lift license, fire safety, occupancy certificate etc., are yet to cleared even after more than 5-6 years. The builder has not provided them the occupancy certificate.

11. Undisputedly, the complainants have purchased a flat bearing no.B-706 in the project " GK GOLDEN CITY" of the respondent for a total sale consideration of Rs.47,75,000/- (Rs. Forty seven lakhs seventy five thousand only) and have paid the entire sale consideration. The respondent-builder has executed a sale deed in favour of the complainants on 01/09/2017.

12. On going through the entire documents and materials placed on record, it is apparent that the respondent has not cleared the pending works like lift license, fire safety/occupancy certificate. In this regard, to substantiate his defence, the respondent has not furnished any iota of evidence to prove that he has obtained the occupancy certificate. From this, it is crystal clear that the respondent has not fulfilled all the obligations and has not completed the entire construction of the said project and obtained necessary occupancy certificate from the competent authority.

AS

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13. Despite several notices served on the respondent, the respondent did appear before this Authority through its counsel and filed vakalat. Thereafter, neither the respondent nor its counsel did appear before this Authority during the aforesaid dates of hearings but continuously remained absent. Further, they have failed to file statement of objections and furnishing documents in support of their defence and hence not contested the matter. In the absence of any resistance by the respondent and considering the claim of the complainant which is corroborated with the documentary evidence, there is no option left to this Authority except to accept the claim of the complainant.

14. Hence, at this stage it would be just and necessary to issue directions to the respondent to obtain the necessary occupancy certificate from the competent authority and provide the same to the complainant as agreed. Having regard to all these aspects, the point raised above is answered in the Partly Affirmative.

15. **Answer to point no.2.** In view of the above discussions, I conclude that, this complaint deserves to be allowed in part. Accordingly, I proceed to pass the following order:

**ORDER**

16. In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No:

**CMP/220811/0009865** is hereby partly allowed

1. The respondent is hereby directed to obtain necessary Occupancy certificate from the competent authority and provide the same to the complainants within 60 days from the date of this order.

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2. The complainants are at liberty to enforce the said order in accordance with law if the respondent fails to comply with the order.

No order as to costs.

  
(H.C. Kishore Chandra)  
Chairman  
K-RERA

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