

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 FULL BENCH

PRESENT:

SHRI. H.C. KISHORE CHANDRA, HON'BLE CHAIRMAN

SMT. NEELMANI N RAJU, HON'BLE MEMBER

SHRI. GURIJALA RAVINDRANADHA REDDY, HON'BLE MEMBER

COMPLAINT NO.: CMP/UR/210210/0005184

DATED THIS 1ST DAY OF DECEMBER, 2023

COMPLAINANT.....

NAZREENA SHABNA ANWAR,
S1, Abide with Me Apts,
11A, 1st Main Road, Kariyanpalya,
Lingarajapuram,
Bengaluru - 560084.

(In person)

V/S

RESPONDENTS.....

1. VALERIAN DAYANAND,
No.6/1, Metta Plaza, 2nd Floor,
Kammanahalli Main Road,
Bengaluru - 560043.

(In person)

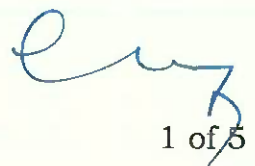
2. RAVIKANT KHARBE,
Elegant Palace, B Block,
Flat No.SF-1, BG Road, Nobo Nagar,
Bengaluru - 560076.

3. CHRISTABEL GNANAKANAN,
Major Residing at No.Flat No.111,
Ground Floor, SMR Apartment,
No.21, Banaswadi,
Bengaluru - 560043.

(Absent)

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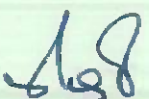
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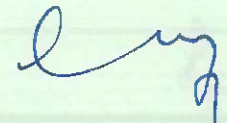
1. This complaint is filed under section 31 of the RERA Act against the project "Zoe Residency" developed by "Zoe India Properties Pvt. Ltd.," on No.6/1, Metta Plaza, 2nd Floor, Kammanahalli Main Road, Bengaluru - 560043 for the relief of refund of Rs.2,00,000/- (Rupees Two Lakhs Only).
2. This project is registered under RERA bearing Registration No. PRM/KA/RERA/1265/347/PR/291022/005379 valid till 06/09/2024.

Brief facts of the complaint are as under:-

3. Contention of the complainant is that one Ravikanth had approached her posing himself as representative of respondent and offered for purchase of plots. Hence, in order to purchase the plots in the project Zoe Residency of the respondent the complainant had transferred Rs.2,00,000/- (Rupees Two Lakhs Only) in favour of said Ravikanth as advance out of total sale consideration of Rs.17,00,000/- (Rupees Seventeen Lakhs Only). She had given an understanding that the amount transferred by her in the name of Ravikanth was towards purchasing of plot in the project of respondent. When she had insisted for execution of agreement of sale, the said Ravikanth didn't respond. Hence, this complaint.
4. After registration of the complaint, in pursuance of the notice, respondents No.2 and 3 remain continuously absent and the respondent No.1 has appeared before the Authority and filed statement of objections as under:-
5. He has denied entire allegations made against them by the complainant as false. He contends that, the complainant is unknown to his company and has not made any payment to their company. The respondent neither entered into an Memorandum of Understanding nor written agreement with the complainant. This false complaint is filed to tarnish their image and reputation. Hence, prayed to dismiss the complaint.







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6. In support of his claim, the complainant has produced in all 2 documents such as copy of Statement of accounts, General Power of Attorney dated 04/03/2020 between Nazreena Shabnam Anwar and Raju Papaiah.
7. The respondents have not produced any documents in support of his defence.
8. Hearings were conducted on 08/12/2021, 17/03/2022, 26/04/2022, 19/05/2022, 15/11/2022, 28/03/2023, 19/04/2023, 06/06/2023, 26/07/2023, 05/09/2023, 20/09/2023 and finally on 10/10/2023.
9. Heard arguments.
10. **On the above averments, the following points would arise for our consideration:-**
 1. Whether the complainant is entitled for the relief claimed?
 2. What order?
11. **Our findings on the above points is as under:-**
 1. In the Negative.
 2. As per final order for the following

REASONS

12. **Our finding on point No. 1:-** The grievance of the complainant is that, she had transferred Rs.2,00,000/- (Rupees Two Lakhs Only) towards purchase of plot in the project Zoe Residency of the respondent in favour of one Ravikanth who had approached her posing himself as representative of respondent company. When she had insisted for execution of agreement of sale the said Ravikanth didn't respond.
13. Same is resisted by the respondent No.1 on the grounds that, the complainant is unknown to the company and she has not made any payment to their company towards purchase of plot. They have neither entered into an Memorandum of Understanding nor any written agreement with the complainant.

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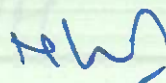
14. The complainant has executed General Power of Attorney dated 04/03/2020 in favour of one Raju Pappaiah authorizing him to proceed in this matter on her behalf.
15. Mainly, the claim of complainant is based on the document such as statement of accounts. On going through the said document it is apparent that the complainant has paid Rs.2,00,000/- (Rupees Two Lakhs Only) to one Ravikanth.
16. As per section 31 of RERA Act,

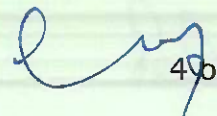
Filing of complaints with the Authority or the adjudicating officer.—(1) Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder, against any promoter, allottee or real estate agent, as the case may be.

Explanation.—For the purpose of this sub-section "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force. (2) The form, manner and fees for filing complaint under sub-section (1) shall be such as may be 1 [prescribed].

17. Considering the averments of the complainant and the statement of accounts, it can be very well gathered that complainant is not an allottee. There is no iota of evidence placed before this Authority to gather that there was any transaction between the complainant and respondent No.1 towards purchase of plot. According to the complainant she had given amount of Rs.2,00,000/- (Rupees Two Lakhs only) to one Ravikanth respondent No. 2. She has failed to establish that the said Ravikanth is a representative of respondent No.1. Hence, the complainant has not produced a single piece of evidence to establish that she had given an amount of Rs.2,00,000/- (Rupees Two Lakhs only) towards purchase of the plot in the project Zoe Residency of the







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respondent No.1. Under such circumstances, no scope is remained for further discussions.

18. Having regard to all these aspects, we are of the opinion that the complainant is not entitled for the relief claimed. Accordingly, the point raised above is answered in the Negative.
19. **Our findings on point No. 2:-** In view of the above discussion, the complaint deserves to be dismissed. Hence, we proceed to pass the following order.

ORDER

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. CMP/UR/210210/0005184 is hereby dismissed.

No order as to costs.


(G.R. REDDY)
Member
K-RERA


(NEELMANI N RAJU)
Member
K-RERA


(H.C. KISHORE CHANDRA)
Chairman
K-RERA

NOT AN OFFICIAL COPY

ORDER

[Signature]
MEMBER
K-REBA

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MEMBER
K-REBA

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Chairman
K-REBA