

**PROCEEDINGS OF THE AUTHORITY**

**BEFORE BENCH 5**

**PRESIDED BY HON'BLE MEMBER G.R. REDDY**

**COMPLAINT NO: CMP/221128/0010409**

**DATED THIS 18<sup>th</sup> DAY OF DECEMBER, 2023**

COMPLAINANT : Mr.Prateek Walke  
D-1302, Mantri Serenity  
Doddakallasandra, Kanakapura  
Main Road, Bangalore:560 062  
  
(Party in person)

RESPONDENT / : M/s.Mantri Castles Pvt Ltd.  
PROMOTER Mantri House, 41, Vittal Mallya Road  
Bangalore : 560 001  
  
(M/s.Trial Base, Advocates)

PROJECT NAME & : MANTRI SERENITY-1  
REGISTRATION NO. PRM/KA/RERA/1251/310/PR  
171019/000494

**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 **MANTRI SERENITY-1** praying for a direction to Refund the booking 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 **MANTRI SERENITY-1** on 30.10.2021. Before entering into agreement, the complainant requested for details pertaining to undivided share (UDS) from the Respondent. After repeated request and follow up the respondent has provided the information sought by the complainant. The complainant is not satisfied with the UDS provided by the respondent and the same is not provided in the booking form also. Multiple follow-ups were made by the complainant and the respondent did not respond to the queries properly and hence the complainant cancelled the booking made and requested for refund of the booking amount paid. Since the Respondent did not reply or refund the booking amount, 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 WITH INTEREST**

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 entered appearance by filing vakalath and did not file any statement of objections or objections to the MOC filed by the complainant.

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. The complainant has

produced copy of the Cancellation form, email correspondence, allotment copy and payment receipt for having paid the booking amount in support of her contention.

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 booking 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 26.07.2023**

<b>Principle amount (A) Rs.</b>	<b>Interest (B) As on 26.07.2023 Rs.</b>	<b>Refund from Promoter (C) Rs.</b>	<b>Total Balance Amount (A+B) Rs.</b>
<b>1,00,000</b>	<b>16,153</b>		<b>1,16,153</b>

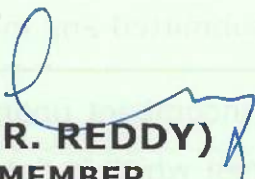
And accordingly the Authority passes the following:



## 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/221128/0010409 is hereby allowed.

2. Respondent is directed to refund a sum of **Rs. 1,16,153/- (Rupees One lakhs sixteen thousand one hundred fifty three 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 26.07.2023. The interest due from 27.07.2023 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**

Total Balance Amount (A+B) Rs.	Refund from Promoter (C) Rs.	Interest (B) As on 26.07.2023 Rs.	Principle amount (A) Rs.
1,16,153		16,153	1,00,000