

PROCEEDINGS OF THE AUTHORITY BEFORE BENCH 5

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

Dated: 14th DECEMBER, 2023

COMPLAINT NO: CMP/221010/0010121

COMPLAINANT...

**1. Mrs. VARALAKSHMI
2. MRS. SOWMYA K P
Both Residing at
Flat # 306, Green Earth Atrium
Apartment, 3rd Floor,
Nagondanahalli, Whitefield,
Bengaluru Urban,
BENGALURU-560066**

(Parties in person)

RESPONDENT.....

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

(None appeared)

JUDGEMENT

1. This complaint is filed under section 31 of the RERA Act against the project "GREEN EARTH ATRIUM" developed by "GREEN EARTH VENTURES" praying for 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.



Brief facts of the complaint is as under:

4. The Complainant had booked apartment bearing No.306, in third floor, with the Respondent. The respondent had executed Sale Deed in favour of the complainant on 22-04-2019, and took possession of the Apartment. The complainant had filed this complaint Under Sec. 31 of RERA Act and alleged against the Respondent that, he had collected Rs. 75,000/- (Rupees Seventy Five thousand only) for BWSSB / KSPCB and STP connection. But, the Respondent had paid Rs. 6,00,000/- to the BWSSB as against Rs. 50-60 lakhs. Till today the respondent has not provided generator for common areas, lift and pump room and other amenities as mentioned in the Agreement of Sale. Hence, the complainant filed this complaint before this Authority seeking direction to the Respondent.

5. After registration of the complaint notice was issued to both the Parties. In pursuance of the notices, the complainant had appeared before the Authority and submitted copy of the Sale Deed and Agreement of Sale. The complainant has submitted that the full bench of the Authority in similar matters issued direction to the respondent to provide amenities as per agreement of sale. Even though the direction issued the respondent failed to provide BWSSB / KSPCB and STP facilities to the complainant.

6. Keeping the principle of natural justice this Authority issued summons to Respondent for appear before this Authority. The summons returned unserved as the respondent has left the address. The respondent remained absent and not filed any statement of objection, producing documents. The respondent has not appeared before the Authority and not contested the matter by filing statement of objection, producing documents on its behalf, hence the respondent is placed exparte.

7. The complaint is posted on 17-08-2023 giving final opportunity to Respondent to appear and submit documents and statement of objection. In spite of sufficient opportunities given to the respondent, the respondent not choose to appear before this Authority and to defends his claim by filing documents, written submissions etc.,

8. This matter is heard on 17-08-2023 and finally on 28-11-2023.

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

1. Whether the complainant is entitled for the relief claimed?
2. What order?

10. **My answer to the above points are as under:-**

1. In the Affirmative.
2. As per final order for the following.

REASONS

11. **My answer to Point No.1:-** On perusal of the compliant it is apparent that the complainant has sought for reliefs such as BWSSB water connection, STP connection etc., as per agreement. The complainant has appeared before this Authority and submitted documents and argued on the complaint and convince the Authority. The respondent never appeared before this Authority even though sufficient opportunities given.

12. As the respondent has not contested and defended his claim. The respondent utterly failed to provide amenities to the complainant even though amount was collected from the complainant.



13. The complainant has every right to get amenities by the respondent as the complainant had paid an amount to the respondent to get the amenities. It is the duty of the respondent to provide amenities as per agreement of sale and he cannot escape from the providing amenities.

14. Under the circumstances and as discussed above, this Authority concludes that the complainant is entitled to get all amenities as promised by the respondent as per agreement of sale.

15. **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/221010/0010121 is hereby allowed.

1. The respondent is hereby directed take steps to provide BWSSB water connection and STP connection and any other amenities as per agreement of sale within 30 days from the date of this order to the complainant.

2. If the respondent fails to comply with this order within 30 days, the complainant is at liberty to initiate action in accordance with law.

No order as to costs.


(G. R. Reddy, IRS)
Member, K-RERA