

PROCEEDINGS OF THE AUTHORITY BEFORE BENCH 5

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

Dated: 8th JANUARY, 2024

COMPLAINT NO: CMP/384/2023

COMPLAINANT...

**T. R. RAMAMOCHAN
No.139, 8th Main Road,
Bikasipura, Near ISRO Layout,
Bangalore-560061**

(Parties in person)

RESPONDENT.....

**1. M/s GOLDEN VALLEY
DEVELOPERS,
No. 581/8, 1st Floor, KML Arcade,
80 feet Road, Koramangala,
Bangalore-560095**

**2. Mr. C.D. SANJAY RAJ
No. 34, Benson Road,
Benson Town,
Bangalore-560046**

3. Mr. CHANNAMUNIYAPPA

4. Mrs. HANUMAKKA

5. Mr. MUNILAKKANNA

6. Mr. H C HANUMAI AH

7. Mr. SIDDAPPA

8. Mr. NARASIMHAIAH

9. Mr. CHENNIGAPPA

**Respondent No. 3 to 9 are
Residing at Hemmige pur Village,**



Kengeri Hobli,
Vidyapeetha Post,
Bangalore-560060

10. M/S GODLEN GATE PROPERTIES
LIMITED,
Golden House, No. 820,
80 feet Road, 8th Block,
Koramangala,
Bangalore-560095

11. M/S PRISHA PROPERTIES INDIA
PRIVATE LIMITED,
No. 869, 1st Floor, 80 feet Road,
8th Block, Koramanagala,
Bangalore-560095

(Exparte)

JUDGEMENT

1. This complaint is filed under section 31 of the RERA Act against the project "**GOLDEN VALLEY PAHSE-2**" developed by "**GOLDEN VALLEY DEVELOPERS**" praying for direction to the Respondent to provide STP, Electricity, Overhead Tank and amenities as agreed.
2. This project has been not registered with RERA.
3. This project is situated at Sy. Nos. 44/1, 44/2, 44/4, 45/1, 45/2, 44/3, 44/3 Hemmigepura Village, Kengeri Hobli, Bangalore South Taluk, Bangalore District.

Brief facts of the complaint is as under:

4. The Complainant had purchased plot No. 84 measuring to an extent of 219.84 Sq. Mtrs in the layout known as "**GOLDEN VALLEY – PHASE-2**" with the Respondents for consideration of Rs. 42,51,600/- (Forty two lakhs Fifty one thousand Six hundred only) The respondents have executed Sale Deed in favour of the complainant on 23/03/2016 and the complainant took possession of the

Plot. The complainant had filed this complaint Under Sec. 31 of RERA Act alleging that the Respondents have not provided STP connection, Electricity, overhead Tank as per Agreement of Sale. Due to incompleteness of the amenities, the BDA has not released the Khata for transferring to the individual site holders. The khata transfer has been delayed due to non-completion of the above work by the respondents. Hence, the complainant filed this complaint before this Authority seeking direction to the Respondents.

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 in support of his claim and argued on the matter. The respondents have not appeared before this Authority. Hence the respondents are placed exparte.

6. The complaint is posted on 14-12-2023 giving final opportunity to Respondent to appear and submit documents and statement of objection. In spite of sufficient opportunities given to the respondents, the respondents have not chosen to appear before this Authority and to defend their claim by filing documents, written submissions etc. Under the circumstances the complainant is having prima facie case against the respondents.

8. This matter is heard on 28-09-2023 and finally on 14-12-2023.

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.

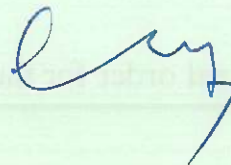


REASONS

11. **My answer to Point No.1:-** On perusal of the compliant it is apparent that the complainant has sought for reliefs such as STP, Electric connection and overhead Tank as per agreement of sale. The complainant has appeared before this Authority and submitted documents in support of his claims. The respondents never appeared before this Authority even though sufficient opportunities were given.
12. As the respondents have not contested and defended their claim. The respondents 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 respondents as the complainant had paid the amount to the respondents to get the amenities. It is the duty of the respondents to provide amenities as per agreement of sale and the respondent cannot escape from the liability of providing amenities.
14. Under the circumstances and as discussed above, this Authority concludes that the complainant having prima facie case and entitled to get amenities as promised by the respondents as per agreement of sale.
15. **My Answer to Point No.2:** In view of the above observations, I am of the opinion that, this complaint deserves to be allowed. Hence, I proceed to pass the following:

O R D E R

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. **CMP/384/2023** is hereby allowed.



1. The respondents 1 to 11 are hereby directed take steps to provide STP connection, Electric connection and overhead tank and other amenities if any as per agreement of sale within 30 days from the date of this order to the complainant.

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

No order as to costs.


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

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