

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 17<sup>th</sup> DAY OF JANUARY 2024**

**COMPLAINT No: CMP/220324/0009243**

**COMPLAINANT....**

**ARUN RAJKUMAR &  
ARUNA CHOUREY  
SOWMYA SAROJ  
002, 4<sup>TH</sup> BLOCK  
AYYAPPA NAGAR  
KRISHNARAJAPURA  
BENGALURU URBAN-560036**

**(REP BY V.N. SIMHA  
ADVOCATE)**

**V/S**

**RESPONDENT.....**

**M/S RED CORAL PROPERTIES  
NO; 133/1, 2<sup>ND</sup> FLOOR  
THE RESIDENCY  
RESIDENCY ROAD  
BENGALURU URBAN-560025**

**(REP BY SUJATHA H.H.  
ADVOCATE)**

**JUDGEMENT**

1. This complaint is filed under section 31 of RERA Act against the project "**MAHAVEER HORIZON**" developed by "**M/s RED CORAL**

*Handwritten signature*

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**PROPERTIES**” for the relief of direction to the respondent for completion of all pending amenities.

2. This project is registered in RERA bearing registration no. PRM/KA/RERA/1251/446/PR/171019/000438.
3. The promoter has developed this project in Sy.No. 44/1, Hoodi Village, K.R. Puram Hobli, Bengaluru East, Bengaluru Urban.
4. The gist of the complaint is that the complainants have been allotted a site no.125 in the project “ **MAHAVEER HORIZON**” vide allotment letter dated 30<sup>th</sup> November 2018 and entered into an agreement of sale dated 10/6/2019 for a total sale consideration of Rs.76,97,187/- (Rs. Seventy six lakhs ninety seven thousand one hundred eighty seven only). The complainants have paid an amount of Rs.10,000/- on 30/11/2018, Rs.19,24,000/- on 31/5/2019 , Rs.56,86,216/- on 24/6/2019 part of loan sanctioned by HDFC Limited, Rs.76,972/- towards 1% TDS altogether Rs.76,97,187/- (Rs. Seventy six lakhs ninety seven thousand one hundred eighty seven only) to the respondent as per sale deed dated 6/7/2019 to the respondent. The complainants have also availed loan from HDFC Bank limited towards the purchase of the above said property. Thereafter, the respondent has executed a sale deed in favour of the complainants on 6/7/2019 and handed over possession. It is contended that the builder has not completed amenities as promised such as permanent electricity, borewell, water filter, swimming pool, toddler pool, clay tennis court, jogging track, sandpit, open play field, party lawn area, seating spaces, hardcourt, deck, buffer planting,



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amphitheatre, fruit orchard, aromatic garden, tree court, senior citizen park, butter fly park has not been provided per agreement for sale dated 10/6/2019. Therefore, the complainant has approached this forum for the relief of direction to the respondent for completion of amenities as agreed. Hence, this complaint.

5. After registration of the case, in pursuance of notice, the respondent has appeared before this Authority and has filed an Affidavit cum declaration for completion of the pending work of the project along with amenities and promised date of completion as under:

Sl.No.	Particulars	Timeline
1.	Installation of 1 Bore Well	30/11/2023
2.	Valve fixing for equal water to whole property	15/12/2023
3.	Lights in some places with permanent electrical wiring	31/10/2023
4.	Club house, swimming pool	31/12/2024
5.	Fixing of chamber covers across the project	31/10/2023
6.	Functioning of STP	30/11/2023
7.	Pavers in missing places in the project	30/11/2023
8.	Garbage collection shed construction	15/10/2023
9.	DG for common area	15/11/2023
10.	Street sign boards	15/10/2023
11.	Senior citizen park	30/10/2023
12.	Skating ring	31/12/2024
13.	Cauvery connection for another water source	31/3/2024
14.	Corpus fund	31/3/2024

ASB

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6. Further, the respondent has also undertaken in writing that he is going to resolve all complaints to the maximum extent within a reasonable time period.
7. The complainants, in support of their claim have produced documents such as (1) copy of sale deed dated 6/7/2019 (2) copy of allotment letter (3) copy of agreement of sale dated 10/6/2019 with promised amenities (4) multiple mails and dates shared by builder from 2019 till date
8. The respondent in support of his defence, has furnished an affidavit cum declaration dated 15/9/2023.
9. Heard both the parties.
10. This matter was heard on 14/9/2022, 30/9/2022, 21/10/2022, 9/11/2022, 28/11/2022, 12/12/2022, 20/3/2023, 21/4/2023, 26/6/2023, 14/7/2023, 17/7/2023, 31/7/2023, 21/8/2023, 15/9/2023, 12/10/2023.
11. **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?
12. **Answer to the above points are as under:-**
  1. In the Affirmative.
  2. As per final order for the following

Asst

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FINDINGS

13. Findings on point No.1. The complainant has approached this forum for a direction to the respondent to complete all pending works and provide amenities. It is urged that the following amenities such as permanent electricity, borewell, water filter, swimming pool, toddler pool, clay tennis court, jogging track, sandpit, open play field, party lawn area, seating spaces, hardcourt, deck, buffer planting, amphitheatre, fruit orchard, aromatic garden, tree court, senior citizen park, butter fly park have not been provided per agreement for sale dated 10/6/2019.

14. Undisputedly, the complainant had booked a site no. 125 in the project "MAHAVEER HORIZON" of the respondent for a total sale consideration of Rs. 76,97,187 -(Rs. Seventy Six lakhs ninety thousand one hundred eighty seven only) and the complainants have paid the entire sale consideration to the respondent which has been duly acknowledged by him.

15. It is pertinent to note that the respondent has already executed a sale deed in favour of the complainants on 6/7//2019 and the complainants are in occupation and enjoyment of the property. Further, during the proceedings held on 15/9/2023 the respondent has filed an affidavit cum declaration. In the said affidavit, he has undertaken in writing to complete all the pending works of the project along with completion date of amenities as promised to the allottees. Besides, he has also undertaken in writing that he is going to resolve all the complaints within a reasonable time period. Under such circumstances it is just and appropriate to give direction to the respondent to complete



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all pending works and to provide amenities as agreed as per agreement of sale dated 10/6/2019 as well as affidavit cum declaration dated 15/9/2023. Having received the substantial consideration, failure on the part of the respondent to complete the pending works and to provide all the amenities, certainly entitles the complainants for the relief claimed. Accordingly, the point raised above is answered in the Affirmative.


**16. Findings on point no.2.** In view of the above discussions, I conclude that, this complaint deserves to be allowed. Accordingly, I proceed to pass the following order:

**ORDER**

17. In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No: **CMP/220324/0009243** is hereby allowed as under:

1. The respondent is hereby directed to complete and provide all the amenities as agreed as per agreement of sale dated 10/6/2019.
2. The complainants are at liberty to initiate action in accordance with law, in case if the respondent fails to comply with the said order.

No order as to costs.

  
(H.C. Kishore Chandra)

Chairman  
K-RERA