

ಕರ್ನಾಟಕರಿಯಲ್ 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 BEFORE THE AUTHORITY

DATED 13th December 2024

00058/2024

PRESENT

Hon'ble Chairman Shri.Rakesh Singh

Hon'ble Member Smt. Neelmani N Raju

Hon'ble Member Shri. G.R.Reddy

COMPLAINANT.....

VIVEK ARJUNA

GROUND, 29, B2,
MUSEUM TERRACES, MUSEUM ROAD,
BANGALORE -560001.

(By Shri.Rajeev Kumar Jha, Advocate)

RESPONDENT.....

GODREJ PROPERTIES LTD.,

GODREJ ONE, 5TH FLOOR,
PIROJSHANAGAR,
EASTERN EXPRESS HIGHWAY,
VIKHROLI (E), Harayana-122002.

(By Shri. Prashanth M.V, Advocate)

JUDGEMENT

1. This complaint is been filed under section 31 of the RERA Act against the project "(Godrej Woodscapes and Godrej Woodscapes Phase 2)" GODREJ BUDIGERE CROSS/GODREJ BENGAL LAMPS" developed by "Godrej Properties Limited" for the relief of

hish

hish

hish

ಕರ್ನಾಟಕರಿಯಲ್ 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

impose penalty on the builder for violation of section.3, 7, 9 and 10 of RERA Act.

2. This project has been registered under RERA vide registration No.PRM/KA/RERA/1251/446/PR/170524/006888.
3. This project is situated at Sy.No 3 and 4 Konadasapura Village, BidarahalliHobli, Bangalore East Taluk, Near Budigere cross, old Madras Road, Bengaluru East, Bengaluru Urban.

Brief facts of the aforesaid complaintare as under

4. It has been very clearly defined that no developer or agent should advertise or sell their properties through any advertisement whether in any news paper or otherwise includes online medium i.e. websites, social media or electronic media etc., prior to registration of the project before RERA. It appears that promoters are increasingly involving both RERA registered and unregistered agents or property dealers to promote their projects. This includes unofficially sharing project information. They are employing the term 'expression of interest' to enable prospective buyers to reserve apartments ahead of time.
5. A few months ago, the Lodha group developers launched their residential project in Manyata Tech Park, Bengaluru using a similar advertising and promotion strategy. Now, Godrej Properties Ltd and several registered and unregistered agents, property dealers and consultants are involved in the advertising

ಕರ್ನಾಟಕರಿಯಲ್ 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

and promotion of an upcoming project in the name of Godrej Budigere/Godrej Bengal lamps, Bengaluru. The complainant had proposed a land parcel of about 30 acres in Bengaluru belonging to Argan Realty Pvt. Ltd(Subsidiary of Puravankara Ltd) to Godrej Properties Ltd.(GPL)on 09/08/2020. Later as the advisors and consultants conducted multiple rounds of discussions, meetings were schedule with the president of land acquisition and decision makers of the asset owner company, several critical and confidential information were shared during meetings and over the mail communication to move on the transaction forward on an outright purchased term between GPL and asset owner. By the end of November 2020 they were informed by Debabrata Mishra through email that GPL was putting this transaction on hold due to incomplete due diligence matters pending "let's drop the transaction in such case and re-visit once all the pending proceedings/settlement are complied". Though they kept the GPL team updated on entire proceedings and settlement of various outstanding matters relating to labour issues and various overdue duties payable, all this involved certain timelessness to resolve. After they were working on the entire transaction for significant time, GPL completely side lined them and Mr. AnujSandilya approached Mr. AnujPuri the promoter of Anarock-a property consultancy firm, engaging him and moving

hith

3 of 11

ಕರ್ನಾಟಕರಿಯಲ್‌ಎಸ್ಟೇಟ್ 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

this transaction without informing them and directly speaking to the asset owner for reasons best known to them.

6. When they flagged the transaction at GPL, the offer price of the land was 14.50 crores per acre and they had indicated GPL that the closing price can be around 11-12 crores per acre, whereas now the deal is concluded at an astounding value of 20 crores per acre.
7. It would have been only professional and ethically right to involve them especially when GPL had stalled the transaction on technical grounds and the reason provided was pending proceedings and shall re-visit once settlement is completed. This should have automatically meant that they should have been re engaged by GPL in the transaction. Again, when the transaction was on the verge of closure, they shared their grievances with Chairman Mr.Pirojsha Godrej as well as their regional team. The regional team promised to resolve the matter amicably post registration of the property but are now trying to escape the commitments. Now the complainant left with no other option. Hence, this complaint.
8. After registration of the complaint, in pursuance of the notice, the respondent has appeared before the Authority through his counsel and filed statement of objections as under
9. He has denied each every allegation made against them by the complainant as false. According to them, as confirmed by an

ಕರ್ನಾಟಕರಿಯಲ್ 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

affidavit separately submitted, no advertising, marketing or promotional activities were conducted for the project prior to registration with RERA. The registration of the project was duly completed on 17/05/2025 for Godrej Woodscapes Phase 2. The respondent has adhered to all standards and regulations set forth by RERA, underscoring our commitment to uphold legal and ethical standards in the real estate industry.

10. It is pertinent to note that the fee payable for a single complaint is fixed at Rs.1000/- however, the present complaint comprises two distinctive issues as per the complaint, but the appropriate fee has not been paid, calling into question the procedural compliance of the complainant.

11. The respondent has relied upon the following decisions.

i. 2008 1 SCC 1 (Modak)

ii. 2021 SCC Online UP RERA 35

iii. 2012 SCC Online Kar 7500 (S. Surendra Babu V. State of Karnataka).

12. Further, the complainant has submitted photographs, whatsapp communications, screenshots in support of their claim. The complainant has failed to provide sufficient documentation or certification as required under the Act verifying the authenticity of the electronic records or the operational status of the device during the period when these records were created and stored. The absence of such

ಕರ್ನಾಟಕರಿಯಲ್‌ಎಸ್ಟೇಟ್ 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

certification fails to meet the legal standards set by the BharatiyaSakshyaAdhiniyam, 2023, and therefore, the evidence submitted cannot be considered reliable or admissible without further proof of compliance. Hence, prayed to dismiss the complaint.

13. In support of their claim, the complainant has produced/uploaded the documents such as the Copies of Authorization letter, email conversations, advertisement copy, whatsapp chats, customer market survey form, company registration certificate, letter from SEIAA dated 06.06.2024, photographs and brochure.

14. On the other hand, in support of his defense, the respondent has furnished copies of judgements, CA certificate dated 17/05/2024, statement of account, RERA project registration dated 06/03/2024 and 15/05/2024.

15. This matter was heard on 03/02/2024, 09/02/2024, 16/02/2024, 27/02/2024, 19/03/2024, 02/04/2024, 17/04/2024, 25/06/2024, 05/08/2024, 12/08/2024, 24/09/2024, 23/10/2024 and 20/11/2024.

16. Heard Arguments.

17. **Based on the above averments, the following points would arise for our consideration:-**

- 1) Whether the complainant is entitled for the reliefs claimed?
- 2) What order?

ಕರ್ನಾಟಕರಿಯಲ್ 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

18. Our findings to the above points are as under:-

- 1) In the Negative
- 2) As per the final order for the following

REASONS

19. Our findings on point No.1:- The complainant is a real estate agent who has approached this forum with the grievance against the respondent that the respondent without registering the project '(Godrej Woodscapes and Godrej Woodscapes Phase 2)" GODREJ BUDIGERE CROSS)' made advertisement and published brochure in order to sell the flats and thus violated the provision of section 3 of RERA Act. Further, he has contended that after conducting several meetings and discussion with legal advisors and consultants confidential information were shared during the meetings to move on the transaction forward on an outright purchased term between GPL and asset owner. By the end of November 2020 they were informed that GPL was putting this transaction on hold due to incomplete due diligence matters pending 'let's drop the transaction in such case and revisit once all the pending proceedings are complied'. After sometime GPL completely sidelined them without any reason and without informing them.

20. On the other hand, contention of the respondent is that they have not done any advertisement, marketing or promotional

ಕರ್ನಾಟಕರಿಯಲ್ 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

activities in respect of the said project prior to registration with RERA. Hence, they have not violated any provision of the RERA Act, so also they have not violated any terms and conditions with the complainant.

21. According to the documents placed on record, it is apparent that the respondent got registered the projects 'Godrej Woodscapes and Godrej Woodscapes Phase 2' vide registration Nos. PRM/KA/RERA/1251/446/PR/170524/006882 and PRM/KA/RERA/1251/446/PR/170524/006888 dated 17/05/2024.

22. As per the Chartered Accountant certificate dated 17/05/2024, there have been no collections received in the bank account/s of the above said projects from any of the potential purchaser/s or customers prior to the date of registration.

23. The complainant has placed email conversation advertisement copy, whatsapp chat before this Authority to establish his claim. However, there is no iota of evidence placed by the complainant regarding response or reply received by the respondent in this regard. In other words, it is in a way unilateral correspondence made on the part of the complainant. Further, the photographs and brochure are not going to help the complainant in any manner to establish advertisement, marketing or any promotional activities for the said projects

ಕರ್ನಾಟಕರಿಯಲ್ 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

prior to registration with the RERA, as they do not contain any date/time, stamp.

24. Coming to the aspect of paying service fee, the complainant has not placed any documents such as agreement between the parties etc., before this Authority to show that the respondent is liable to pay service fee to the complainant.

25. Section 7 of the RERA Act reads as under

"The Authority may, on receipt of a complaint or suomotu in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5, after being satisfied that-

- (a) The promoter makes default in doing anything required by or under this Act or the regulations made thereunder;*
- (b) The promoter violates any of the terms or conditions of the approval given by the competent authority;*
- (c) The promoter is involved in any kind of unfair practice or irregularities."*

26. Looking to the facts of the case, it seems the complainant has come up with this complaint as a way to settle score with respondent for sidelining him in the negotiation between himself and the owners of the property. Thus, the intention behind filing this complaint is vindictive in nature. However, as already observed above, the complainant has not been able to establish violation of any provisions of RERA Act by engaging

ಕರ್ನಾಟಕರಿಯಲ್ 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

itself in promoting, advertisement, marketing the project even before it is registered. Hence, question of revocation of registration of the said projects does not arise.

27. Further, the complainant has not placed any material on record to establish its claim such as a valid service agreement, proof of engagement with the respondent etc., In addition, the complainant being a partnership firm has failed to furnish any documents such as resolutions, specific clauses in its partnership deed to establish that its constitution authorizes the initiation of legal proceedings of this nature. Having regard to all these aspects, we are of the opinion that the complainant has failed to establish its claim in any manner.

28. Accordingly, the point raised above is answered in the Negative.

29. **Findings on point No.2:**-In view of the above discussion, the complaint deserves to be dismissed. Accordingly, I proceed to pass the following

ಕರ್ನಾಟಕರಿಯಲ್ 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

ORDER

In exercise of the powers conferred under Section 31 of the Real Estate (Regulation and Development) Act, 2016, the complaint bearing No. **00058/2024** is hereby dismissed.

No order as to costs.


(Neelmani N Raju)
Member
K-RERA


(G.R. Reddy)
Member
K-RERA


(Rakesh Singh)
Chairman
K-RERA

Not an Official copy

Not an official copy