

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ),
CHENNAI**

Original Application No.185 of 2021(SZ)

(WITH REPLY AFFIDAVIT)

IN THE MATTER OF:

Vikas R.S.,

...APPLICANT

VERSUS

Rajdeep Dey

...3rd RESPONDENT

PAPER BOOK

(For index kindly see inside)

**M/s. M.PURUSHOTHAMAN, N.ANDAL SRI SHANKARI &
P.VELUMAMIYAN**

COUNSEL FOR 3rd RESPONDENT
9884553721 mphotman@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ),
CHENNAI**

Original Application No.185 of 2021(SZ)

Vikas R.S.,

... Applicant

-Versus-

1. The Chairman,
Karnataka State Pollution Control Board,
Bengaluru-560 001.

2. Member Secretary,
Karnataka State Pollution Control Board,
Bengaluru-560 001.

3. Rajdeep Dey,
Managing Director, SNR Square (P) Limited,
Bangalore-560102.

... Respondents

**PAPER BOOK, REPLY AFFIDAVIT FILED BY THE 3RD
RESPONDENT AND TYPED SET OF PAPERS**

S.NO.	DATE	DESCRIPTION	PAGE NO
1.	26.12.2022	Reply Affidavit filed by the 3 rd Respondent.	1-12
2.	21.04.2016	Copy of the detailed sketch and design for the commissioning of the 80KLD ARbit STP at the 3 rd Respondent's SNR Silver Ripples Project prepared by Green Lantern Engineering Pvt Ltd, Bangalore	13
3.	21.07.2016	Copy of the Work completion letter given by the Green Lantern Engineering Pvt Ltd, Bangalore to the 3 rd Respondent.	14

4.	16.12.2016	Copy of the invoice issued by the Green Lantern Engineering Pvt Ltd, Bangalore to the 3 rd Respondent.	15
5.	02.09.2017	Copy of the invoice issued by the Green Lantern Engineering Pvt Ltd, Bangalore to the 3 rd Respondent.	16
6.	06.09.2021	Copy of the order passed by the Hon'ble High Court of Karnataka in W.P.No.3613 of 2021(GM-KSR).	17
7.	26.11.2021	Copy of the test report issued by AES Testing Laboratory, Bengaluru.	20
8.	15.10.2022	Copy of the reply given by the 3 rd Respondent to 1 st and 2 nd respondent with acknowledgement.	21-24
9.	09.11.2022	Copy of the Proceedings of the Hon'ble Karnataka Real Estate Regulatory Authority in CMP/UR/210630/0008077	25-39
10.	22.12.2022	Vakalat	40
11.			

This is to certify that the above documents are the true copies of the Originals.

Dated at Chennai on the 23rd day of December, 2022


COUNSEL FOR THE 3RD RESPONDENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ),
CHENNAI**

Original Application No.185 of 2021(SZ)

Vikas R.S.,
402, 7 B Main, 4 B Cross,
HRBR Layout 1st Block,
Kalyan Nagar, Bangalore-560043,
Ph: 9972034102,
Email: rsvikas@gmail.com

... Applicant

-Versus-

1. The Chairman,
Karnataka State Pollution Control Board,
"Parisara Bhavan", No.: #49,
Church Street, Bengaluru-560 001.
Ph:080-25589111-4/25586520/25588142
Email:chairman@kspeb.gov.in

2. Member Secretary,
Karnataka State Pollution Control Board,
"Parisara Bhavan", No.: #49,
Church Street, Bengaluru-560 001.
Ph:080-25589111-4/25586520/25588142
Email:ms@kspeb.gov.in

3. Rajdeep Dey,
Managing Director, SNR Square (P) Limited,
#484, 1st Floor, 17th Cross, 27th Main,
HSR Layout, Sector-2, Bangalore-560102.
Ph:9886130131/9742777333/080-22589454
Email:rajdeep.dey@gmail.com,
rajdeep.dey@snrsquare.com

... Respondents

REPLY AFFIDAVIT FILED BY THE 3RD RESPONDENT

I, Rajdeep Dey, son of Sri Rupendra Chandra Dey, aged about 45 years, Managing Director, SNR Square (P) Limited, #484, 1st Floor, 17th Cross, 27th Main, HSR Layout, Sector-2, Bangalore-560102, do hereby solemnly affirm and sincerely state as follows:

For SNR SQUARE PVT LIMITED

Page No.1

No. of Corns: Mr


Managing Director



1. I am the Managing Director of First Respondent i.e., M/s. SNR Square Private Limited, having its Registered Office at No.484, 1stFloor, 17th Cross, 27th Main, HSR Layout, Sector-2, Bengaluru-560102.
2. I am aware of the facts and circumstances of the case, hence swearing to this counter affidavit.
3. The 3rdRespondent Company is a Developer and Promoter of Property bearing Consolidated Site No.21 (previously Site Nos. 21, 22 & 23) and Site No.24, situated at Trinity Home Stead Layout, Sarjapura Road, Sompura Village, Attibele, Hobli, Anekal Taluk, Bangalore Urban District, together measuring to the extent of 39598 Sq. Ft.
4. The land owners Mrs.D.Vasanthi and Mrs. V.R.Chithra desired to develop their above said properties, after lengthy discussions agreed to enter into two Registered Joint Development Agreements with SNR SQUARE PVT. LIMITED.
5. It is hereby submitted that during the course of discussion for the development of above said properties and before entering into the Joint Development Agreement and General Power of Attorney, the Apartment Building Plans for Blocks 'B' & 'C' was got sanctioned and approved by the Panchayath Development Officer (PDO), Yamare Gram Panchayath, Anekal Taluk on 29-07-2013 vide License bearing LP.No.15/2013 with respect to clubbed Katha No.206/21 (previously Site Nos.21, 22 & 23).

For SNR SQUARE PVT. LIMITED



Managing Director

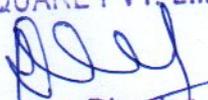
Page No.2

No. of Corns: *Nh*



6. Similarly with respect to Site No 24 new Katha No.206/24/1 was also sanctioned for Block A on 29-07-2013 vide License bearing LP.No.14/2013 For SNR SQUARE PVT. LIMITED by the Panchayath Development Officer (PDO), Yamare Gram Panchayath, Anekal Taluk.
7. That by virtue of the Registered Joint Development Agreements and with the authority of Registered General Power of Attorneys, the third Respondent herein i.e., M/s.SNR Square Private Limited constructed the Residential Apartments Building in the above said 2(two) properties that are abutting each other and measure to the extent of 39598 Sq. Ft. consisting of 120(one hundred and twenty) Self Contained Residential Flats spread over in 3(three) Blocks i.e., 'A' Block constructed in Site No.24 and 'B' & 'C' Blocks & Swimming Pool are constructed in Amalgamated Site No.21 (previously Site Nos.21, 22 & 23).
8. The 3rd Respondent constructed and completed the building as per the Specification as agreed upon and the booking of flats started from the year 2014 itself. Out of 120(one hundred and twenty) Flats, 42(forty-two) were given to the share of the landowners as per the joint development agreement. The remaining 78(seventy-eight) Flats are the share of the builder/promoter. 3rd Respondent herein as Promoter/Developer invested for the construction of the entire 120(one hundred and twenty) Flats including civic amenities, facilities, electricity, etc., for the Joint Development Project known as SNR SILVER RIPPLES.

For SNR SQUARE PVT. LIMITED


Managing Director



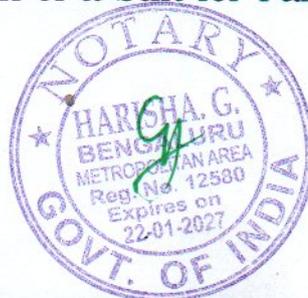
9. The Applicant/ Mr.Vikas herein and his wife Mrs.Deepika Vikas jointly purchased Flat No.206A by entering into an Agreement to Sell during March 2015 and later on got the Sale Deed jointly in their favor on 22-09-2017 in respect of said Flat No.206A and registered on 28-09-2017 as Document No.ABL-1-03495-2017-18 of Book-I and stored in CD.No.ABLD306, at the Office of the Sub-Registrar, Attibele, Anekal Taluk. Further to the purchase of the above said Flat, the Applicant/ Mr.Vikas and his wife have availed Housing Loan from the Corporation Bank, Bangalore as the same is evident from the sale deed dated 22-09-2017. The Applicant/ Mr.Vikas who is well educated and well versed in legal issues bought the property fully knowing that the Building Plans were sanctioned by the Yamare Gram Panchayath, Anekal Taluk and neither by the Anekal Town Planning Authority (ATPA) and nor by the Bangalore Metropolitan Region Development Authority(BMRDA) Further for the purchase of above said Flat, the Applicant/ Mr.Vikas and his wife have availed the Housing Loan, exempt from RERA registration, as we have diligently completed, and handed over their possession of the flats.
10. This Respondent submits that, as of this date, 75(seventy-five) Apartments have been sold out of our share of 78(seventy-eight) Apartments.
11. It is pertinent to submit that, if the Plan was approved/sanctioned by the Anekal Town Planning Authority (ATPA) Bangalore or Metropolitan Region Development Authority (BMRDA), the sanction would be Stilt for Parking and Ground plus 3(three) Upper Floors only. Whereas the Plan sanctioned by the Panchayath is for the construction of a Stilt for Parking and

For SNR SQUARE PVT LIMITED

Page No.4

No. of Corns: M/2


Managing Director



Ground plus 4(four) Upper Floors. Even the checklist, terms, and conditions imposed by the Panchayat and the other planning authorities vary. The entire Trinity Home Stead Layout has more than 19(nineteen) Residential Complexes constructed, and all the Complexes have Stilt, Ground, and 4(four) Upper Floors, which are the following:

1. SRI NILAYA, having plot/site no.1&2,
2. ARS SUNSHINE, having plot/site no.3
3. SS TRINITY, having plot/site no.7.
4. BM SILVER OAKS, having plot/site no. 9&10,
5. SRI CHAIRA RESIDENCY, having plot/site no.11,
6. SRI SAI NIVASA, having plot/site no.14.
7. MSR RESIDENCY, having plot/site no.15&16,
8. MSR FLORA, having plot/site no.17,
9. BM SILVER SPRINGS, having plot/site no.18&19,
10. SNR SILVER RIPPLES, having plot/site no.21,22,23 24
11. SLN GREENS, having plot/site no.25&26,
12. SV NEST, having plot/site no. 27,
13. SS PARADISE, having plot/site no.29,
14. BRINDAVANA, having plot/site no.30,
15. BHAVISHYA SUNSHINE, having plot/site no 31,
16. BHAVISHYA VILLA, having plot/site no. 32,
17. BHAVISHYA PARK, having plot/site no.33,
18. BM BHAVISHYA, having plot/site no.34,
19. JANANI MOONS, having plot/site no. CA1 &2.

Page No.5

No. of Corns: M/2

For SNR SQUARE PVT. LIMITED

Managing Director

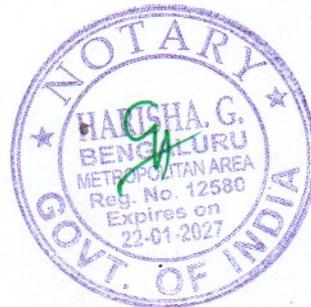


12. Further there is no bar to getting the Plan sanctioned by Village Panchayaths nor it is declared by law as illegal. Thousands of Buildings/Apartments/Layouts are approved and sanctioned by the Panchayaths. Even the Promoters/Developers are publishing in Daily News Papers inviting the general public to purchase the properties. Further, there is no bar or prohibited by the Government for the building plans or layout plans sanctioned by the Village Panchayath. Further, the said Apartments or Plots/Sites are levied with the property taxes paid to the Government Authorities and registered by the jurisdictional Sub-Registrars. Further, the Village Panchayath, Sub-Registrars, and Officers are Government Machineries /Authorities, are aware of this position. Hence according to us, the Panchayath Sanctioned Building Plans are not illegal.

13. Further the Applicant/ Mr.Vikas is better aware that, our Project Plans are sanctioned by the Village Panchayath and purchased the Flat, which is why he could get it for that cheap price. Also, the Applicant/ Mr.Vikas collected all the legal documents along with the sanctioned plan, and license copy, and scrutinized it legally 7 years back. Further, the Applicant/ Mr.Vikas's Banker also scrutinized the documents including the Plans by their legal team and only thereafter sanctioned the loan in favour of the Applicant/ Mr.Vikas to purchase the Flat. In our Project, many Purchasers availed the loan from several scheduled Banks, Private Financial Institutions, etc., who have verified and scrutinized before lending.

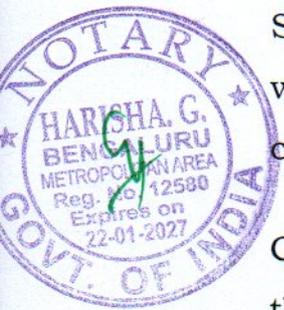
For SNR SQUARE PVT. LIMITED


Managing Director



14. I humbly submit that we and the owners Association are facing a barrage of complaints lodged by the Applicant herein before various authorities.
15. Usually there is a general presumption that builders and promoters contravene sanctioned plans and deviate from standard guidelines and principles for the purpose of making wrongful gains, as such carry out unapproved or unauthorized constructions. Whereas SNR SILVER RIPPLES Project does not have any defect or deviation. As a bonafide builder and promoter, and for furthering the avowed cause of providing affordable housing to middle-class people we have provided all the facilities including the contentious Sewerage Treatment Plant (STP). Having provided the STP by investing adequate money, there is no reason for the builder not to obtain the Consent for Establishment and Consent for Operation from the 1st and 2nd Respondents.
16. Since the Panchayat Planning Authority did not mandate or stipulate a condition for getting the Consent for Establishment and Consent for Operation from the Respondent Pollution Control Board due to inadvertence, we have not approached the 1st and 2nd Respondents. However we the builder have provided a standard and adequate STP sufficient to cater to the needs of the SNR Silver Ripples Project residents. We have entrusted the work of installation of the STP to a standard engineering company namely Green Lantern Engineering Pvt Ltd, Bangalore.

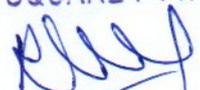
Copy of the detailed sketch and design for the commissioning of the 80KLD Arbit STP at the 3rd Respondent's SNR Silver Ripples Project dated 21.04.2016 prepared by Green Lantern



Page No.7

No. of Corns: 11/2

For SNR SQUARE PVT. LIMITED


Managing Director

Engineering Pvt Ltd, Bangalore is annexed herewith with document No.1.

Copy of AES Test Report given by AES TESTING LABORATORIES, at Bangalore to the 3rd Respondent dated 22/11/2021, is annexed herewith with document No.2.

Copy of the Work completion letter given by the Green Lantern Engineering Pvt Ltd, Bangalore to the 3rd Respondent dated 21.07.2016 is annexed herewith document No.3.

Copy of invoice Two No's given by the Green Lantern Engineering Pvt Ltd, Bangalore to the 3rd Respondent dated 16.12.2016 and 02-09-2017 is annexed herewith document No.4.

Copy of Reply letter dated 17/10/2022, submitted to The Senior Environment officer, KSPCB for the notice of PCB INFRA 20RTI21/4589-Environment compensation demand note, dated 7/10/2022, by the 3rd Respondent, is annexed herewith document No.5.

Copy of RERA JUDGEMENT ORDER for compliant No.CMP/UR/210630/0008077, dated 09/11/2022, given by the KARNATAKA-RERA,

Copy of order passed by THE HIGH COURT OF KARNATAKA BANGALORE for the WRIT PETITION NO.3631 OF 2021 (GM-KSR) Dated 06/09/2021, is annexed herewith document No.7.

For SNR SQUARE PVT. LIMITED


Managing Director



17. Notwithstanding the same, it is submitted that the failure to obtain the 'Consent for Establishment' and 'Consent for Operation' from the 1st and 2nd Respondents is a curable defect under the Water (Prevention and Control of Pollution) Act, 1974, from a reading of the Section 25(5) of the said Act which is extracted as hereunder:-

"25(5) Where, without the consent of the State Board, any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, is established, or any steps for such establishment have been taken or a new or altered outlet is brought into use for the discharge of sewage or a new discharge of sewage is made, the State Board may serve on the person who has established or taken steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, or using the outlet, or making the discharge, as the case may be, a notice imposing any such conditions as it might have imposed on an application for its consent in respect of such establishment, such outlet or discharge."

The question of imposing of fine / compensation and the initiation of criminal/ penal proceedings against a bonafide builder would be justified if at all, the builder has never constructed or provided a STP Plant which could be construed as a case of unlawful gain by the builder thereby rendering the unsuspecting the purchasers of the Flats to any suffering.

For SNR SQUARE PVT LIMITED

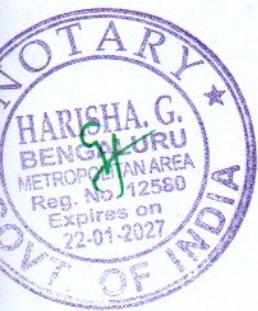

Managing Director

Page No.9

No. of Corns: 



18. This Respondent submits that the Applicant/ Mr.Vikas herein is quarrelsome from the beginning, always quarreling with the owners' welfare association, and seems to be having a grievance over paying the maintenance charges promptly. He had completely ruined the welfare association by lodging so many complaints against them before various authorities such as Police, Karnataka Real Estate Regulatory Authority, State Pollution Control Board, State Fire Service Department, etc. He had even gone to the extent of getting the Registration of the SNR Silver Ripples Owners' Welfare Association canceled by the order of the Hon'ble High Court of Karnataka, Bengaluru in W.P.No.3613 of 2021 by its order dated 06.09.2021 for the simple reason that the Association was wrongly registered under the Societies Registration Act. In fact, the Owner's Association is very much shattered, and they are struggling to carry out the day-to-day maintenance work of the Flats and also facing financial constraints as the amounts collected are frozen in bank accounts. Due to this, the maintenance and upkeep of the SNR SILVER RIPPLES houses and the common facilities catering to the needs of more than 100 residents are seriously crippled. Because of the continuous harassment and the cases registered by the Applicant, the office bearers of the Owner's Welfare Association who are ordinary middle-class people are scared. Copy of the order passed by the Hon'ble High Court of Karnataka in W.P.No.3613 of 2021(GM-KSR) dated 06.09.2021 is annexed herewith



19. I humbly submit that even the SNR SILVER RIPPLES Welfare Association has obtained a test report from an ISO Certified Laboratory namely AES Testing Laboratory dated 26.11.2021

For SNR SQUARE PVT. LIMITED,

Page No.10

No. of Corns: *M/12*

[Signature]
Managing Director

which shows that the STP is functioning as per the Respondent KSPCB standards. Copy of the test report issued by AES Testing Laboratory, Bengaluru dated 26.11.2021 is annexed herewith.

20. Therefore, the Letter of Authorization to File Criminal Case issued by the 1st Respondent wide its proceedings No.PCB Infra 20 RTI 2021/4577 dated 07.10.2022 and the Environmental Compensation Demand Note issued by the 2nd Respondent wide its Proceedings No.PCB Infra 20 RTI 21/4588 dated 07.10.2022 are unnecessary and would have caused grave injury and prejudice to the reputation and the interest of the 3rd Respondent herein. The 3rd Respondent herein has submitted our reply to the above proceedings. Copy of the reply given by the 3rd Respondent to 1st and 2nd respondent dated 15.10.2022 is annexed herewith
21. In the meantime the Hon'ble Karnataka Real Estate Regulatory Authority was pleased to dismiss yet another attempt of the Applicant/Mr.Vikas to harass us by dismissing the complaint filed by Mr.Vikas in CMP/UR/210630/0008077 by its order dated 09.11.2022. Copy of the Proceedings of the Hon'ble Karnataka Real Estate Regulatory Authority in CMP/UR/210630/0008077 dated 09.11.2022 is annexed herewith
22. It is therefore submitted that there is no malafide intention on the part of the 3rd Respondent herein for not obtaining the Consent for Establishment and Consent for Operation from the 1st and 2nd Respondents herein, as the 3rd Respondent has

For SNR SQUARE PVT. LIMITED

Page No.11
No. of Corns: 11

Managing Director



constructed, executed, and handed over the entire SNR SILVER RIPPLES project to the SNR SILVER RIPPLES Owner's Welfare Association 6 years back, based on the sanctioned plan provided by the Yamare Gram Panchayath, Anekal Taluk and had provided the necessary standard STP Plant in the project.

It is therefore humbly prayed that this Hon'ble Court may be pleased to dismiss the above Original Application and thus render Justice.

This Respondent is forever duty-bound to be grateful to this Hon'ble Court for this act of kindness.

Solemnly affirmed the contents at _____, on this _____ day of December, 2022 and signed his name in my presence after the contents were read over and explained to the deponent.

For SNR SQUARE PVT. LIMITED

Managing Director

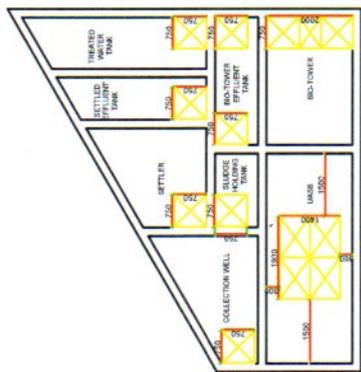
BEFORE ME

SWORN TO BEFORE ME

Handwritten signature and date: 26/12/2022

HARISHA.G. B.A.LL.B.,
ADVOCATE & NOTARY PUBLIC
GOVT. OF INDIA
37, 3rd Floor, 2nd Cross, Raghava Nagar
N.T.Y. Layout, Mysore Road, Bangalore - 26





PLAN AT ROOF LEVEL



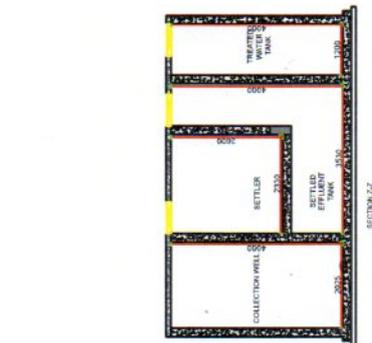
PLAN AT 3.0 M FROM RAFT LEVEL



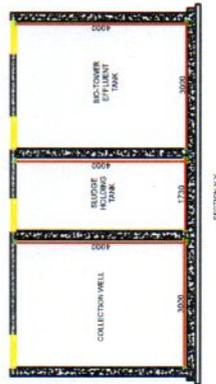
PLAN AT 1.20 M FROM RAFT LEVEL



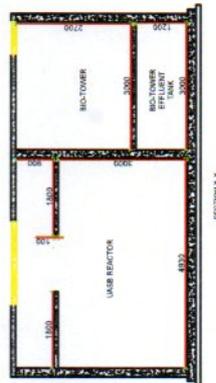
PLAN AT RAFT LEVEL



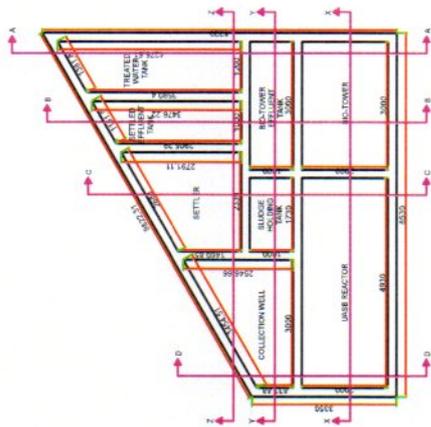
SECTION 2.2



SECTION 2.3



SECTION 2.4



SECTION 2.5



SECTION 3.0



SECTION 3.1



SECTION 3.2



SECTION 3.3

21th July 2016

To,

SNR SQUARE PVT LTD.
Bengaluru,

Sub: Completion of supply, erection and commissioning of the 80 KLD ARBiT™ STP at 'SNR Sliver Ripples' project at Kada Agrahara, Karnataka 562125

Ref. No.: **STP/GLE-SNR-SR/2016**

We would like to inform you that we have successfully supplied, erected, tested and commissioned all the electro-mechanical equipments of the **80 KLD ARBiT™ STP** at the '**SNR Sliver Ripples**' project at Kada Agrahara, Karnataka 562125. The STP is ready to receive sewage for treatment. We have explained about our plant operations to Mr. Srinivasulu (Project in charge)

Kindly acknowledge the same and release the balance payments.

Assuring the best of our service.

Thanking you.

Yours truly,

For Green Lantern Engineering Pvt. Ltd.



Jim
24/Jul/2016

For SNR SQUARE PVT. LIMITED

[Signature]
Managing Director



(4)

Green Lantern Engineering Private Limited

#41, Mountain Road
1st Block East, Jayanagar
Bangalore-560011

**GREEN LANTERN
ENGINEERING PVT LTD**

988 612 3366 | 973 900 7589
✉ shravanth@greenlantern.in

(153)

Tax Invoice

INVOICE TO
SNR SQUARE PVT LTD
BANGALORE

INVOICE NO. 2017-18-032
DATE 16/12/2016
DUE DATE 16/12/2016
TERMS Due on receipt

ACTIVITY

AMOUNT

**ELECTROMECHANICAL
EQUIPMENT FOR ARBIT™ STP**
STP - Equipments - PSF, ACF,
Control Panel, Pumps, Plumbing,
Electrical, Chlorinator, NRVs,
Biodeck media, Tube Settler media

786,026.20

PAID

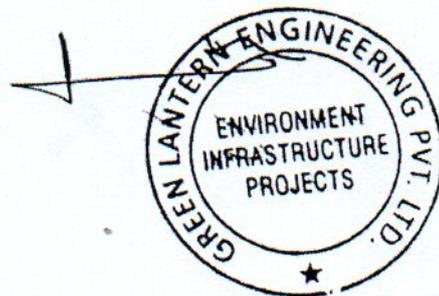
Kindly make all payments to
GREEN LANTERN ENGINEERING PVT LTD
HDFC BANK LTD., JAYANAGAR BRANCH,
ACC NO: 50200003844223
IFSC: HDFC0000261
CIN: U74900KA2014PTCO73424
PAN: AAFCG5219F
S.T.: AAFCG5219FSD001
TIN: 29721209400

SUBTOTAL	786,026.20
VAT @ 14.5% on 786026.20	113,973.80
TOTAL	900,000.00
PAYMENT	900,000.00
BALANCE DUE	

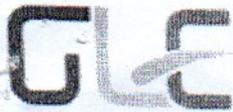
Rs0.00

For SNR SQUARE PVT. LIMITED

[Signature]
Managing Director



mt



**GREEN LANTERN
ENGINEERING PVT LTD**

Green Lantern Engineering Private Limited

#41, Mountain Road
1st Block East, Jayanagar
Bangalore-560011

988 612 3366 | 973 900 7589

shravanth@greenlantern.in

167

Tax Invoice

INVOICE TO

SNR SQUARE PVT LTD
GSTIN: 29AAUCS3879G1ZF

PLACE OF SUPPLY

29 - Karnataka

INVOICE NO. 2017-18/023

DATE 02/09/2017

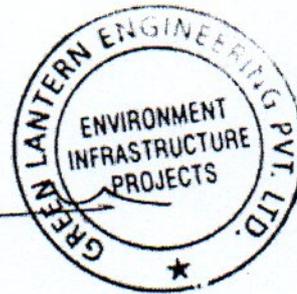
DUE DATE 02/09/2017

TERMS Due on receipt

ACTIVITY	AMOUNT
ELECTROMECHANICAL EQUIPMENT FOR ARBIT™ STP Supply and installation of 80 KLD STP SAC: 999411	188,973.80

Kindly make all payments to
GREEN LANTERN ENGINEERING PVT LTD
HDFC BANK LTD., JAYANAGAR BRANCH,
ACC NO: 50200003844223
IFSC: HDFC0000261
CIN: U74900KA2014PTCO73424
PAN: AAFCG5219F
GST: 29AAF CG5219F1ZM

SUBTOTAL	188,973.80
CGST @ 9% on 188973.80	17,007.64
SGST @ 9% on 188973.80	17,007.64
TOTAL	222,989.08
PAYMENT	75,000.00
ROUND OFF AMOUNT	-0.08
BALANCE DUE	Rs147,989.00



IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 6TH DAY OF SEPTEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.3613 OF 2021(GM-KSR)

BETWEEN:

MR. VIKAS S/O SURENDRANATH R S,
AGED ABOUT 39 YEARS,
NO.402, 7B MAIN,
4B CROSS, HRBR LAYOUT,
KALYAN NAGAR 1ST BLOCK,
BANGALORE - 560 043.

...PETITIONER

(BY SRI. VITTAL B, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION,
ROOM NO.618, 6TH FLOOR,
M S BUILDING,
BANGALORE - 560 001.

2. THE DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES
BANGALORE URABN ZONE-3,
NO.146, SAHAKARA SOUDHA,
8TH CROSS ROAD, 3RD MAIN,
MARGOSA ROAD, MALLESHWARAM,
BANGALORE - 560 003.

3. SNR SILVER RIPPLES,
OWNERS WELFARE ASSOCIATION,
BLOCK C GROUND FLOOR,
SILVER RIPPLES,
TRINITY HOMESTEAD LAYOUT,
SARJAPUR MAIN ROAD, SOMPURA
SARJAPURA,
BANGALORE - 562 125.

... RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R1 & R2;
SRI. P B RAJU, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-1 AND 2 TO TAKE APPROPRIATE ACTION TO CANCEL THE REGISTRATION OF R-3 ASSOCIATION AND ETC.,

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

Learned counsel for the petitioner submits and learned HCGP does not much dispute that the subject matter of this writ petition is substantially covered by the Coordinate Bench decision dated 15.02.2019 in **W.P.No.34660/2017 & 35719-35724/2017 (GM-KSR) MR. PRAVEEN PRAKASH & OTHERS VS. STATE & OTHERS,** as affirmed by Division Bench in **W.A.No.974/2019** & connected matters disposed off on 06.11.2019 copies whereof are respectively are at Annexures G & H.

2. The Division Bench of this Court in **W.A.Nos.932-933/1974** between A.V.VINODA & ANOTHER Vs. STATE OF KARNATAKA BY ITS COMMISSIONER & SECRETARY disposed of on 11.12.1974, has held that the Court should treat the like-cases alike and if relief is granted to a litigant it has to be extended to a similarly circumstanced litigant as well, there being no derogatory circumstances.

In the above circumstances, this writ petition succeeds; a Writ of Certiorari issues quashing Registration Certificate bearing No. DRB3/SOR/591/2018-2019 dated 13.12.2018 a copy whereof is at Annexure-D.

No costs.

**Sd/-
JUDGE**

Bsv

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AES TESTING LABORATORY

(ISO 9001:2015/ISO45001:2018 Certified Laboratory)

44,45 - 1st Main Road, Vinayaka Nagar, Bagalagunte, Nagasandra Post, Bangalore-560073.
Mob: 9538555792, 9538555283, 9000565208, E-mail: aestestinglaboratory@gmail.com, Web: www.aestlabs.co.in

TEST REPORT

Page No. 1 of 1

Report No: AESTL2100110045	Report Date : 26/11/2021
Issued To: M/s. SNR Silver Ripples KADA Agrahara, Sarjapura Road, Bangalore-560062.	Customer Reference: Verbal
	Date of Receipt : 22/11/2021
	Date of test Start : 22/11/2021
	Date of Completion of test: 26/11/2021
Sample Received By: Customer	Sample Particulars : STP Treated Water

Sl. No	Parameters	Test Method	Units	Results	Standard KSPCB
01	pH Value	IS:3025/Part-11	---	6.9	6.5-8.5
02	Total Suspended Solids	IS:3025/Part-17	mg/L	6.0	10 Max
03	BOD, 3days @27°C	IS:3025/Part-44	mg/L	4.8	10 Max
04	Chemical Oxygen Demand	IS:3025/Part-58	mg/L	24.0	50 Max
05	Total Nitrogen	IS:3025/Part-34	mg/L	5.0	10 Max
06	Ammonical Nitrogen asNH ₄ -N	IS:3025/Part-34	mg/L	2.6	5 Max
07	Fecal Coliform	IS 1622-1981	MPN/100ml	10	100 Max

*****End of the Report*****

For SNR SQUARE PVT LIMITED

Managing Director

Tested By

1. For further samples and application parameters. 2. Samples will be destroyed after 15 days from the date of test. 3. This report is issued for the purpose specified and can not be used in evidence.

217

Ref:

Date: 15/10/2022

Place: Bangalore

To ,
The Senior Environment officer,
Karnataka State Pollution Control Board,
ParisaraBhavan, 1st to 5th Floor,
#49, Church Street, Bangalore- 560001,
Karnataka State, India.

**SUB: REF: REPLY TO NOTICE DATED: 7/10/2022 - PCB INFRA 20RTI 21/4589 -
Environmental Compensation Demand Note.**

Dear Sir,

- ① We beg to inform the KSPCB authority that the said building was constructed based on the approval taken from Yemare Panchayat, on submission of plan approval application, we have submitted all necessary document to the department for plan sanction, for the construction of SNR Silver Ripples, at siteNo.21 (previously Site Nos.21, 22 & 23) and Site No.24, and clubbed katha no 206/21, and new Katha No.206/24/1, Sompura village, Sarjapur a Bangalore and we submit that, the planning authority will demand the NOCs, certificates, clearances from the concerned departments/ authorities, before sanctioning the plan, however the Panchayath department sanctioned the Plan No: 14 &15 in the year(2012-13) without demanding the CFE -NOCs, therefore we have not obtained the CFE-NOCs, from KSPCB department for the project.

And even though as our concern for Environment we have made the STP setup and it was working/ utilized during our handover, and the said entire 120 flat's wastewater is treated as per government approved standards and the treated water is being let out from the building to the drain. The same drain is also used by 19 no's of projects in the same Trinity Homestead layout for sewage purpose as listed below-

- 22
1. SRI NILAYA , HAVING PLOT NO. 1&2
 2. ARS SUNSHINE, HAVING PLOT NO. 3
 3. SS TRINITY, HAVING PLOT NO.7
 4. BM SILVER OAKS, HAVING PLOT NO.9&10
 5. SRI CHAKRA RESIDENCY, HAVING PLOT NO 11
 6. SRI SAI NIVASA, HAVING PLOT NO.14
 7. MSR RESIDENCY, HAVING PLOT NO.15&16
 8. MSR FLORA, HAVING PLOT NO.17
 9. BM SILVER SPRING, HAVING PLOT NO.18&19
 10. SNR SILVER RIPPLES, HAVING PLOT NO.21,22,23&24
 11. SLN GREENS, HAVING PLOT NO. 25&26
 12. SV NEST, HAVING PLOT NO.27
 13. SS PARADISE, HAVING PLOT NO.29
 14. BRINDAVANA, HAVING PLOT NO.30
 15. BHAVISHA SUSHINE, HAVING PLOT 31
 16. BHAVISHA VILLA, HAVING PLOT NO.32
 17. BHAVISHA PARK, HAVING PLOT NO.33
 18. BM BHAVISHA, HAVING PLOT NO. 34
 19. JANANI MOONS, PLOT NO CA1&2

We beg to inform that we have not made /making any harm to environments and to any local water bodies.

We pray the concerned department to cancel the environmental compensation imposed on us as we were not part of the managing committee nor maintaining body of the project SNR Silver Ripples for last many years, since the flat owners have voluntarily formed the Association in the year 2017-18. We are not aware of their functioning's and we are also paying maintenance to them since then for any of our vacant flats.

With regards to letter dated above, we have enclosed the following documents below for your reference and considerations.

List of documents:

1. STP Drawing,
2. STP Photo.
3. STP Setup Purchase Invoice
4. STP Letter
5. Completion letter

Ref: 6. Occupancy letter

② We further want to state that the RTI COMPLAINENANT is also a flat owner of the same Project. He bought the flat after all due diligence. Subsequently he has issues with the maintaining Association body of the apartment and also trying to blackmail us. Then he out of vendetta n vengeance gone ahead and filed RTIs in all Departments to take out his grudge initially to trouble other flat owners.

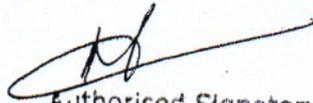
③ We can also Furnished police complaint filed by Association dated 28/08/20 and high court order WP No.3613/2021 and Fake Complaint to Sub Registrar dated 04/06/20 against Flat Owners Association by same RTI Complainant to cancel the initial Association due to his differences with them. All proves his attentions and motives. We have furnished all these data to RERA and also regarding his similar complaints to other departments. We have also filed a police complaint against him under GSC No. PO1334220600319 in Sarjapura Police Station as he had threatened and tried to blackmail us with all these acts.

List of Documents-

7. Police complaint Copy of Association
8. Court order copy
9. Fake complaint Copy
10. SNR Police Compliant Copy

Thanking Your Authority in anticipation.

Warm regards
For SNR SQUARE PRIVATE LIMITED



Authorised Signatory
Authorised Signatory

SNR Square (P) LTD

No. 484, Lakshmi Arcade, 17th Cross,
27th Main, HSR Layout,
Sector 2, Bangalore- 560102.

Ref:

SNR/17/10/2022

Office: Bangalore

To,
The Senior Environment officer,
Karnataka State Pollution Control Board,
KisaraBhavan, 1st to 5th Floor,
23, Church Street, Bangalore- 560001,
Karnataka State, India.



SUB: REF: REPLY TO NOTICE DATED: 7/10/2022 - PCB INFRA 20RTI 21/4589 -
Environmental Compensation Demand Note.

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And even though as our concern for Environment we have made the STP setup and it was working/ utilized during our handover, and the said entire 120 flat's wastewater is treated as per government approved standards and the treated water is being let out from the building to the drain. The same drain is also used by 19 no's of projects in the same Trinity Homestead layout for sewage purpose as listed below-

Our CSR

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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

CMP/UR/210630/0008077

Dated: 9th November 2022

Complainants.....

1. **Vikas R.S.**
No: 402, 7-B Main
4-B Cross, HBBR Layout,
Kalyan Nagar 1st Block
Bangalore-560 043

(Represented by Sri. Sameer
Sharma, Advocate)

Vs

Respondents.....

1. **Rajdeep Dey,**
SNR Square Private Limited
#484, 1st Floor, 17th cross
27th Main, HSR Layout, sector-2
Bangalore-560 102.
2. **Muni Govinda Raju**
311-A(6.78), 3rd Floor
Mittal Tower
MG Road, Bangalore-560001
3. **Hemant Kapoor**
No: J-77, "J" Block
Diamond District
Old Airport road
Bangalore-560 017

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Karnataka Real Estate Regulatory Authority,
1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

4. **M. Rajendran,**

No: 405, SMR Heritage
3rd Cross, new Thippasandra
Bangalore-560 075,

5. **S.D. Purushotham,**

No: 710, Fern Paradise
Doddanakkunidi Outer Ring Road,
Bangalore-560 037

(represented by Sri Prabhu
Poovaiah, Dr. K. Sreenivasan,
Advocates)

JUDGEMENT

1. The Complaint has been filed against the Project " **SNR Silver Ripples**" u/s 31 of the Real Estate (Regulation and Development) Act 2016 for relief and payment of compensation.
2. **Brief facts of the complaint is as under:**
3. The complainant is owner of a flat in " **SNR Silver Ripples**" constructed by **SNR Square Private Limited** property bearing Site No; 21, Khatha No; 206/21 (old site Nos. 21,22,23/1 and 23/2 vide old Khatha nos 206/21, 206/22, 206/23/1 and 206/23/2) in all together measuring 30,634 sq.ft. in the layout known as "Trinity Home **Stead**" formed in sy.Nos: 37/1b, 37/1c, 39/2,

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

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40,45,46,49/1,, 49/2, 49/3, 50/1 and 50/3 situated at Sompura Village, Anekal Taluk, which falls under Yamare Village Panchayat, Sarjapur Hobli, Anekal, Bangalore Urban district. This project consists of 120 units.

4. It is submitted by the complainant that the builder has not applied for sanction of the building plan from Anekal Planning Authority which is the competent authority to sanction building plan and that the building has been constructed without prior sanctioned plans. It is further claimed that the builder should have provided him the copy of the building plan sanctioned by the Anekal Planning Authority which is the competent authority but instead provided him the building plan approved by the Panchayath.
5. It is further alleged by the complainant that Anekal Planning Authority has filed writ petition against the developers of Trinity Homestead Layout and have also cancelled the Trinity Homestead Layout.
6. It is further contended by the complainant that the builder has failed to obtain consent for establishment, consent for operation for the functioning of STP which amounts to a criminal offence for which he would be held responsible by the Karnataka State Pollution Control Board.
7. It is further said that the builder has not obtained necessary approval for the installation of the Diesel Generator set and operation of lift from the Electrical Inspector.

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

8. It is further submitted that the builder has allowed to form an Association under section of KSRA 1960, Act.
9. It is further claimed by the complainant that the builder has not conveyed the land to the association of owners and that the land is still stands in the name of Builder and land owner.
10. It is further contended by the complainant that the Builder has not provided due maintenance service as per the legal provision of Karnataka Apartment Ownership Act, 1972 and Karnataka Co-operative Societies Act, 1959.
11. It is further said that the title deed has severe defects and there is mismatch of survey numbers in the sale deed as per records maintained by Anekal Planning Authority, the super built area mentioned in the sale deed included common area and car parking, UDS share not appropriately calculated and electricity connection not uniformly transferred to the owners.
12. The complainant sought the following reliefs from RERA:
 - (a) Refund of advance maintenance paid
 - (b) Compensation for mental agony
 - (c) Formation of appropriate Co-operative Society under the right law.
13. After registering the complaint, the Respondents have appeared before the Authority through their counsel and filed their objections as under:

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Karnataka Real Estate Regulatory Authority,
1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

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14. Objections filed by Respondent 1 Mr. Rajdeep Day:

The Respondent-1 contended that the averments made in the complaint is completely false and baseless and devoid of merits and also not maintainable either under the facts or circumstances of the case and deserves to be dismissed.

15. It is submitted that, First Respondent is a developer and promoter of the property and has developed the property bearing consolidated site no. 21 and Site 24, situated at Trinity Home Stead Layout, Sarjapura Road, Sompura Village, Attibele Hobli, Anekal Taluk, Bangalore Urban District, together measuring to the extent of 39598 sq.ft.

16. It is submitted that, the land owners i.e. Respondent Nos: 2 to 5 and additionally 2(two) more land owners namely Mrs. D. Vasanthi and Mrs. V.R.Chithra desired to develop the said properties and accordingly the first respondent agreed to develop the same under two Registered joint development agreement as under:

(a) Joint development agreement dated 28.5.2014 between the land owners i.e. Respondents 2 to 5 and first respondent with respect to site No: 21 (previously Site Nos: 21,22 & 23), registered as document No: BSG-1-016061-2014-15 of Book-1 at the office of the Sub-Registrar, Basavanagudi, Bengaluru.

(b) Joint development agreement dated 09/06/2014 entered between the additional land owners namely Mrs. D. Vasanthi and Mrs. V.R. Chitra and first

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

respondent i.e. M/s SNR Square Private Limited with respect to site No: 24, registered as document no: BSG-1-011823-2014-15 of Book-1 at the office of the Sub-Registrar, Basavanagudi, Bengaluru.

17. It is submitted that, for the purposes of development, the above land owner executed 2 general power of attorneys as hereunder.
18. General power of attorney dated 28.05.2014 executed by the land owners i.e. Respondents 2 to 5 in favour of first respondent i.e. M/s SNR Square Private Limited registered as document No; BSG-4-00087-2014-15 at the office of the Sub-Registrar, Basavanagudi, Bengaluru.
19. General power of attorney dated 09.06.2014 executed by the land owners viz., Mrs. D. Vasanthi and Mrs. V.R. Chithra in favour of first respondent registered as document No; BSG-4-00138-2014-15 of Book IV, at the office of the Sub-Registrar, Basavanagudi, Bengaluru.
20. The respondent contended that the above said properties i.e. consolidated/amalgamated site no. 21 (previously site nos. 21, 22 & 23) and site no. 24 forms part of the residential layout developed by M/s Suraj Condominiums Private Limited comprising several survey number properties totally measuring to an extent of 14 (fourteen) acres ½ (half) guntas in the name of "Trinity Home Stead" layout. The said layout was approved by the Bangalore Metropolitan Region Development Authority vide approval letter bearing No: BMRDA/LAO/055/96-97 dated 08/-2/2000 as they fulfilled all the required qualifications for such sanction.

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

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21. It is submitted that the said M/s Suraj Condominiums Private Limited sold the site nos.21 and 22 in favour of Mr. Hemant Kapoor i.e. third respondent herein under 2(two) registered sale deeds as hereunder:-

(a) Sale deed dated 20.03.2000, registered on 30/08/2000 as document No; 5709/199-2000 Volume 2161 of Book-I in respect of site no. 21 measuring to the extent of 11180 sq.ft and

(b) Sale deed dated 30.03.2000, registered on 06/09/2000 as document No; 5884/199-2000 volume 2169 of book-I in respect of site no. 22 measuring to the extent of 8000 sq.ft . Both these two documents registered at the office of the Sub-Registrar, Anekal.

22. It is submitted that said Mr. Ray Chand Jain sold the site no.24 jointly in favour of Mrs. D. Vasanthi and Mrs. V.R. Chithra under sale deed dated 21.08.2006, registered as document No. ANK-1-17236-2006-07 of book-I at the office of the Sub-Registrar, Anekal.

23. It is further submitted that the said Mr. Ray Chand Jain sold the south eastern portion(rear portion) of site no.23 measuring to the extent of 5002 sq.ft jointly in favour of Mr. Rajendran and Mr. S.P. Kumar(i.e. 4th & 5th Respondents herein) under sale deed dated 07.09.2006, registered as document no. ANK-1-19847-2006-07 of Book-I at the office of the Sub-Registrar, Anekal.

24. It is further submitted that, the said Mr. Ray Chand Jain sold the northern portion(front portion) of site no.23 measuring to the extent of 6452 sq.ft in favour of Mr. Muni Govinda Raju(i.e. 2nd Respondent herein) under sale deed

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

dated 28.03.2007, registered as document no.ANK-1-33771-2006-07 of book-I at the office of the Sub-Registrar, Anekal.

25. It is submitted that, the site nos. 21,22 & 23 are adjacent to each other and together measuring to the extent of 30634 sq.ft and hence the land owners clubbed the said sites and entered into an registered amalgamation deed dated 21.10.2013, registered on 22.01.2013 as document No; BSG-1-05815-2012-13 of Book-1 at the office of the Sub-Registrar, Basavanagudi, Bangalore. Subsequently, the Yamare Village panchayath, Anekal Taluk clubbed the said sites and assigned a new clubbed Khatha No.206/21 vide mutation register bearing No.14/2012-13 and to the extent the property assessed tax. The property taxes in respect of Amalgamated site nos. 21 and 24 were also paid covering upto 2013-14.
26. It is submitted that prior to the entering into the joint development agreements and general power of attorneys, the plans for the apartment building for blocks 'B' & 'C' was got sanctioned and approved by the panchayath development officer(PDO), Yamare Gram Panchayath, Anekal Taluk on 29.07.2013 vide License bearing No: LP.No: 15/2013 with respect to clubbed Katha No.206/21(previously site nos 21,22 & 23).
27. Similarly, licence with respect to site no. 24, new Khatha No.206/24/1 was also sanctioned for Block 'A' on 29.07.2013 in License LP No: 14/2013 by the panchayath development officer(PDO), Yamare Gram Panchayath, Anekal Taluk prior to entering into the joint development agreement and general power of attorney.

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

28. It is submitted that, by the virtue of above said two registered joint development agreements and two registered general power of attorneys, the first respondent i.e. M/s SNR Square Private Limited constructed residential apartments in the above said two properties abutting to each other and together measuring to the extent of 39598 sq.ft consisting of 120 self containing residential flats spread over in three(3) Blocks & Swimming pool are constructed in amalgamated site No.21(previously site nos. 21,22 & 23).
29. It is submitted that as agreed upon the first respondent completed the building as per the specifications and the building booking was done starting from the year 2014 itself. Out of 120 flats, 42 apartments is the share of the land owners and remaining 78 apartments belong to first respondent as promoter.
30. It is submitted that the complainant herein and his wife Mrs. Deepika Vikas jointly purchased flat no. 206A by entering into an agreement to sell as early as March 2015 and later got the sale deed in respect of said flat no.206A and registered **28.09.2017** as document No.ABL-1-03495-2017-18 of Book-I in the office of the Sub-Registrar, Attibele, Anekal Taluk.
31. **Objections filed by Respondents 2 to 5:** respondent-2 Mr. Muni Govinda Raju and Respondent-5 Mr. S.P. Kumar, have jointly filed the affidavit on 16.02.2022, followed by respondent-3 Mr. Hemanth Kapoor filed affidavit on 04.03.2022, respondent 4 Mr. M. Rajendran on 04.03.2022 and they all stated in their affidavit that since the complainant has not sought any relief against them and the other land owners but only against the

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

promoter/developer/building M/s SNR Square Private Limited i.e. respondent No.1, wherefore they may be relieved from this proceedings by way of deletion as not necessary party/mis-joinder party in the proceeding and hence swearing to these affidavits.

32. In support of his claim, the complainant has produced the following documents.

(1) Copy of the building plan dated 29.07.2013, (2) copy of the sale deed 3495/17-18 dated 22.09.2017, (3) copy of the possession certificate dated 30.9.2017, (4) copy of the letter from APA dated 01.03.2021, (5) Copy of the letter from APA dated 31.03.2021, (6) copy of the letter from KSPCB dated 05.04.2021, (7) Copy of the letter from KSPCB dated 15.9.2021, (8) copy of the letter from Electrical inspectorate dated 03.02.2021, (9) copy of the letter from ground water authority dated 14.09.2021.

33. In support of his claim, the Respondent-1 has produced the following documents:

(1) Joint development agreement dated 28.05.2014, (2) Joint development agreement dated 9.6.2014, (3) General power of attorney dated 28.05.2014, (4) General power of attorney dated 09.06.2014, (5) BMRDA approval letter dated 08.02.2000, (6) BMRDA rough layout sketch dated 08.02.2000, (7) Sale deed of site No: 21 dated 20.03.2000, (8) Sale deed of site No. 22 dated 30.03.2000, (9) Sale deed of site No.23 dated 20.03.2000, (10) Sale deed of site No. 24 dated 20.03.2000, (11) Sale deed of site No.24 dated 20.03.2000, (12) Sale deed of site No.23(portion) dated 07.09.2006, (13) Sale deed of site

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

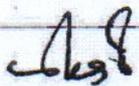
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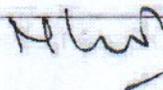
No.23(portion) dated 28.03.2007, (14) Deed of amalgamation dated 21.01.2013, (15) Mutation register, (16) Tax demand register, (17) Tax assessment extract, (18) Tax paid receipt of amalgamated site No: 21 dated 05.04.2013, (19) Tax Paid Receipt of Site No: 24 dated 08.01.2014, (20) Sanctioned Plan vide LP No.15/2013 dated 29.07.2013, (21) Sanctioned plan granted by Panchayath development officer, Yamare grama panchayat vide LP No.14/2013 dated 29.07.2013, (22) Sale deed(R.S. Vikas & Deepika), (23) List showing the details of apartments sold, (24) Statement for complaint dated 02.05.2022 for the complaint filed against Mr. Vikas in Sarjapur PS by Members of SNR Silver Ripples Owners Association (25) Written complaint dated 28.08.2020, (26) Photograph of Mr. Harish who is trying to interfere stating he is big shot in Koramangala (27) Complaint dated 04.06.2020, (28) Police complaint dated 05.05.2022, (29) Order passed by Hon'ble High Court of Karnataka dated 06.09.2021, (30) Copy of gmail dated 05.05.2022, (31) Paper publication dated 12.09.2017, (32) Engineer completion certificate dated 27.01.2017 and (33) Panchayat completion certificate dated 24.03.2017.

34. Both the sides have submitted written arguments.

35. On the above averments, the following points would arise for our consideration.

1. Whether this entire project needs to be registered under RERA?
2. Whether the valid building plan approved by the competent authority?
3. Whether the complainants are entitled for the relief sought for?







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Karnataka Real Estate Regulatory Authority,
1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

4. What Order?

36. Out findings to the above points are as under:-

1. In the Negative
2. In the Negative
3. In the Negative

FINDINGS

37. **Our findings to point no.1:** It is seen that the complainant has purchased Flat No. 206A by entering to sell as early as March 2015 and later got the sale deed registered on 28.09.2017 registered as document No:ABL-1-03495-2017-18 of Book-I at the office of the Sub-Registrar, Attibele, Anekal taluk as per the seal affixed on the certificate.

38. Respondent no.1 has submitted certified copy of completion certificate in respect of "Trinity Home Stead" consisting of 5 floors(120 apartments) which is dated 24.3.2017 as per the seal affixed on the certificate.

39. During the course of arguments, the complainant's advocate has accepted that the Village Panchayat was the authority to issue completion certificate. However, it is contended that the Panchayath has given completion certificate and it may not become an OC under the Karnataka Panchayath Act. It is his submission that as per section 311 and 315 of the said Act, the particular procedure is not placed to issue an OC that has not been complied with and hence it is invalid in law and thereby cannot be exempted from the purview under the Act. The respondent has stated that the Yamare Panchayath is not

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following any specific format to issue OC and has produced a certificate in respect of a project called "**Sovereign Srinilaya**".

40. It is just and necessary to refer the Judgement passed by the Karnataka Real Estate Appellate Tribunal in Appeal(K-REAT) No: 31/21 between Zenith Resident's Association vs Karle Homes Private Limited on 2nd August 2022. The relevant portions of para-19 is reproduced as below:

"Para-19. The above stated Rule 4(1)(iv) mandates that all developmental works of the project have been completed as per the Act and certified by the competent agency and the application has been filed by the promoter with the competent authority for issuance of completion certificate/occupancy certificate. In the case on hand the promoter after obtaining the completion certificate from the Registered Architect/Engineer has applied for Occupancy Certificate to the competent local Authority i.e. BBMP. The Competent Authority has inspected the project and issued an endorsement dated 27.04.2017 stating that the construction work is completed and the issuance of Occupancy Certificate is in the process. The fact that the promoter has filed the application for issuance of Occupancy Certificate on the basis of the Completion Certificate issued by the competent Agency and the developmental work of the project is done in accordance with the sanction plan and specification and whether it is open for the appellant to contend that the document issued by the competent authority under the Act is bogus and cannot be considered by the RERA Authority/Appellate Tribunal constitute under the RERA Act. It appears that the appellant is virtually disputing the completion certificate and the occupancy certificate issued by the competent agency and the competent Authority. The

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Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

appellant if at is aggrieved and is disputing the completion certificate and Occupancy certificate issued by the competent agency and Authority as the case may be under the relevant provisions of the Act governing the subject the recourse open to respondent is to challenge the same under the relevant provisions of the said Act and the RERA Authority/Appellate Tribunal constituted under the RERA Act cannot sit on the said order of the competent Authority. The RERA Authority or this Tribunal cannot attempt to dissect the said certificate which amounts to usurping the jurisdiction of the Appellate Authority constituted under the provisions of the BBMP Act having jurisdiction over the matter".

Hence, the completion certificate issued by the Yamare Panchayath cannot be rejected as invalid by this Authority. The certificate issued by the Authority before the enactment of RERA Act came into force on 1.5.2017. Hence, the Authority has no jurisdiction to consider the prayer of the complainant. Accordingly, this point is answered in the Negative.

41. Our findings to point nos. 2 & 3: In view of the discussions in point no.1, point nos. 2 & 3 does not survive for consideration. Hence, these points are answered as does not survive for consideration.

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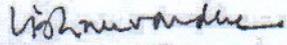
Karnataka Real Estate Regulatory Authority,
1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

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ORDER

In exercise of the powers conferred under Section 31 of the Real Estate(Regulation and Development) Act, 2016, the complaint is hereby dismissed.

No order as to costs


(D. Vishnuvardhana Reddy)
Member-1
K-RERA


(Neelmani N Raja)
Member-2
K-RERA


(H.C. Kishore Chandra)
Chairman
K-RERA

BEFORE HONBLE NATIONAL GREEN TRIBUNAL
CHENNAI

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IN THE COURT OF THE

ORIGINAL APPLICATION No. No.

185 of 2021 (S2)

VIKAS R.S.

1. The Chairman
KSPCB, 20th Nov



Plaintiff/s, Petitioner/s
Appellant/s, Caveator/s / Complainant/s
Decree Holder/s

Vs.

Defendant/s, Respondent/s
Accused, Opponent/s
Judgement - Debtor/s



I/We RAJDEEP DAY, MANAGING DIRECTOR, SNR SQUARE (P) LIMITED, BANGALORE the 3RD RESPONDENT

Nos. 3 in the above matter hereby appoint and retain

Sri/Smt. M/s. M. PURUSHOTHAMAN, N. ANDAL SRI SHANKAR & P. VELUMANNYAN

to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceeding connected with the same or with any decree or orders passed therein appeals and or other proceedings arising there from and also in proceedings for review of judgement and for leave to appeal to Supreme Court and to obtain return of any documents filed therein or receive any money which may be payable to me/us.

2. I/We hereby authorise him/her them on my / our behalf to enter into a compromise in the above matter, to execute any decree/order therein to appeal from any decree / order/ therein and to appeal, to act to plead in such appeal in any preferred by any other party from any decree / order/ therein.

I/We further agree that, if I/We fail to pay the fees agreed upon or to give due instructions at all stages, he/she/they is / are at liberty to retire from the case and recover all amounts due to him/her/them and retain all my / our monies till such dues are paid.

Executed by me/us this.....day of.....at.....



ATTESTED BY ME
A.S. Narayana Reddy
KORAMANGALA
BANGALORE
REG. NO. 10805
ADVOCATE & NOTARY PUBLIC
Government of India
824, 10th Main, IV Block,
Koramangala, Bangalore - 560 034

For SNR SQUARE PVT. LIMITED
[Signature]
Managing Director
Signature/s

Executant/s/are personally known to me/us and he/she/has have signed before me/us

Satisfied as to identity of Executant's Signature/s.

(Where the executant/s is illiterate, blind or unacquainted with the language of Vakalath)

Certified, that the contents were explained to the executant/s in my presence

Accepted

Name M. PURUSHOTHAMAN Roll No. MS. 1533/06

Address for Service: [Signature] MS. 1533/06

Name N. ANDAL SRI SHANKAR Roll No. MS. 2983/07

[Signature] MS. 2983/07

P. VELUMANNYAN ROLL No. MS. 3713/2014
Advocate/s for

Place: B2, PRAVEEN VADIVELIA APT, 87/31, K.H. ROAD, ANAVARAM, CHENNAI 600023, 9884553721.

Accepted: [Signature] MS. 3713/2014

Date: mphotman@gmail.com - 06.01.2023

**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
(SZ), CHENNAI**

**Original Application No.185 of
2021(SZ)**

REPLY AFFIDAVIT

**M/s.M.PURUSHOTHAMAN
(1533/06)
N.ANDAL SRI SHANKARI
(2983/07)
P.VELUMANIYAN (3713/14)**

Counsel for 3rd Respondent

Cell: 9884553721