

**BEFORE THE DEPUTY REGISTRAR OF COOPERATIVE
SOCIETIES & APPELLATE AUTHORITY
Circle -1, Bangalore Urban District
Bangalore - 560003**

Appeal No. 30/2023

BETWEEN:

M/s Sobha Limited

.... Appellant

AND

Sobha HRC Pristine Apartment Owners

Co-Operative Society Ltd & another

.....Respondents

STATEMENT OF OBJECTIONS ON BEHALF OF THE RESPONDENTS

The Respondents above named begs to submit, as follows:

1. The address of the Respondent No. 1 for the purpose of service of Notice, summons, processes, etc from this Hon'ble Appellate Authority is as stated in the cause title and is also that of their counsels Mr. Pradeep Kumar P.K & Associates, Advocates & Solicitors, # 1/1-1, 1st Floor, Queens Road, Bengaluru-560001.
2. The above suit is wholly false, frivolous, and vexatious and is not maintainable in law or on facts. The above suit has been filed with the intention of harassing the Respondents and the suit lacks bona fides. The suit is not maintainable and is liable to be dismissed in limine.
3. It is submitted that the Appellant erroneously identifies the President of

the Cooperative Society as the Chief Promoter in the appeal, despite being well-informed that the elections have been concluded, and office bearers have been duly selected. This fact is evidenced by email correspondences to the appellant dated 01.10.2023 and further supported by the official communication bearing reference number No ARB-44/RGN/10/2023-24 dated 26.10.2023 from the Assistant Registrar of Co-operative Societies to the appellant. The appellant themselves acknowledged having received the aforementioned letter on 3.11.2023, before filing the appeal vide their letter dated 26.11.2023. This misrepresentation appears to be a deliberate effort to convey a false impression that the society is not operational and functioning. Copies of the relevant email correspondences, the letter from the ARCS to the appellant and reply of appellant to ARCS are herewith produced as **Document No. 1, 2 and 3.**

4. The appellant has resorted to calculated and deceptive tactics to distort truths and concoct evidence. On 22.11.2023 the appellant sent out an email to all owners informing them that the Caveat Petitions, Notices, and other correspondences sent by their advocate to the registered address of the society and to its alleged **chief promoter** have been returned unserved with an endorsement "No such person" in the said address. It is crucial to highlight that the appellant, while continuing to refer to the President as the Chief Promoter and simultaneously being the builder and facility manager of Sobha HRC Pristine Apartment, has deliberately orchestrated events to manufacture evidence and misguide the allottees, thereby furthering its illegitimate

objectives. It is pertinent to note that though these documents were requested by email, the same was replied with rhetoric, without providing the documents. This clearly indicates that in the first place, there was no intention of serving these documents and the appellant was merely fabricating evidence. This act is nothing short of a blatant manipulation and a gross misuse of their position. The said email correspondence between the appellant and the respondents are herewith collectively produced as **Document No. 04 (Coly)**

5. It is submitted that the appeal was lodged with the sole intention of intimidating the Society members and allottees into submission, and to establish a promoter-aligned association by orchestrating a sham election. This process unfairly limited the participation to only a fraction of the allottees who registered the property on the unilateral terms of the appellant. This act is in stark violation of Section 11(4)(e) of RERA, which mandates the promoter to enable an association of allottees (not just registered owners) within three months of the majority of the apartments being booked. This clearly indicates a gross misuse of power and a blatant disregard for the law. The correspondence between the appellant, apartment allottees/ owners and the agents appointed by the appellant for conducting the sham election and installing the promoter aligned association is herewith produced as **Document No. 5 (Coly)**

6. It is submitted by the Respondents that, they are the co-operative society of the allottees in the real estate project known as SOBHA HRC PRISTINE promoted by the Appellant and of which the respondent is the president of the association of allottees in the apartment project consisting of 381 apartments in

5 towers and 14 row houses, totalling 395 dwelling units and a clubhouse in the project built in Sy Nos. 87/2, 87/3, 89 and 111 situated at Jakkur Village, Yelahanka Hobli, Bangalore North Taluk.

7. It is submitted that, the Respondent No. 1 is the society, registered under the Karnataka Cooperative Societies Act of 1959 and formed as per section 11(4)(e) of Karnataka RERA 2016, which aims to evolve into an owner's association under the Karnataka Apartment Ownership Act of 1972 once all allottees have registered their properties. Its primary objectives include taking over the project in accordance with Section 17 of the Karnataka Real Estate (Regulation and Development) Act 2016 (RERA) and managing maintenance and other necessary activities for the apartment project on behalf of all allottees. The Respondent is constituted and formed as required and undertaken by all the allottees under the terms and conditions of Agreement of sale and Sale deeds to collectively represent the allottees. The certificate of registration of the complainant Co-operative Society registered under the Karnataka Co-operative Societies Act 1959 is herewith produced as **Document No. 6**.

8. It is submitted that the Appellant is duty bound and legally obligated under Section 11(4) (e) of RERA to enable the formation of a co-operative society of allottees within 3 months of majority of apartments have been booked, which shall continue as owner's association after completion of project and all the allottees have registered their apartments. Unfortunately though the Appellant partially facilitated the formation of Respondent co-operative society albeit more than 3 years late, soon backtracked mischievously with an oblique

motive. The Appellant has approached this Hon'ble authority by filing the memorandum of appeal under sec 106 (1) (a) and (2) (a) praying to set aside the registration granted to Respondent No. 1. It is respectfully submitted that the Appellant does not have locus standi to challenge the registration granted to Respondent No. 1. Further none of the reasons required under section 15 of the co-operative societies act exists nor has been alleged by the Appellant for cancellation of registration certificate of the Respondent No. 1. Similarly no dispute that may be referred to the registrar as per section 70 of co-operative societies act exists or the Appellant is an aggrieved party to raise any disputes as per section 70 of co-operative societies act. None of the allegations made by the Appellant are true and even if any such allegations are to be adjudicated, this authority has no jurisdiction on any such alleged facts. Moreover, it is a fundamental right available to every citizen to form a cooperative society, as enshrined in Section 19 of the Indian Constitution. and the state is mandated to actively promote the growth and development of cooperative societies, in line with the directive principles outlined in Section 43B of the Indian Constitution. The appellant, who is neither a member of the Cooperative Society nor a concerned party in the association of allottees, holds a distinctly separate position under Karnataka RERA from that of the allottees. The promoter and the allottees, are each having their own unique and independent interests. Consequently, the appellant lacks the authority to obstruct or meddle in the affairs of the Cooperative Society. In view of the above the Appeal ought to be rejected.

9. The above being the factual matrix of the case and the Respondents controvert the allegations by the Petitioner parawise

Para-wise traverse:

10. **Regarding para No. 1** it is submitted that Para No. 1 is the matter of record and hence not traversed.

11. Regarding para No. 2 it is submitted that the registration of Respondent No. 1 followed the rules and procedures required for registering the co-operative societies. the Respondent No. 1 pursuant to its registration has become a body co-operate having perpetual succession as per section 9 of the co-operative societies act, eligible to take the handover of the of the project as per Section 17 of the Karnataka Real Estate (Regulation and development) Act 2016 (RERA) and conduct on behalf of all the allottees the activities required for the project including managing the maintenance and related activities in the apartment project.

12. **Regarding para No. 3** it is submitted that, the Respondent humbly submits that the Appellant widely publicised that they are the reputed Real estate developer & builder known for its excellent construction quality, high level customer satisfaction and conformity to the relevant laws, rules & regulations and transparent business practices for which it has received various awards and accolades with its brand "Sobha" and lured the purchasers including the member of the Respondent No. 1 buying the apartment units. Their brand name and the published reputation created the expectation among the allottees that the Appellant shall conduct its business activity abiding by

the relevant laws, rules & regulations and transparent business practices and the promises made shall be adhered to. However the appellant has failed to adhere to the promises made and also violated regulations including RERA.

13. Regarding para No. 4 and 5: The contention of the para 4 and 5 are the matter of records. However the contentions of the Appellant that it has completed the construction of the project in all respect and received Occupancy Certificate dated 26.05.2023 from Bruhat Bangalore Mahanagara Palike (BBMP) is denied for being misconceived. The completion of the clubhouse, which is part of the common amenities is still pending and the occupancy certificate has not been obtained. Similarly, BWSSB supply to the project is still awaited. The appellant also needs to provide Sewage Treatment Plant (STP) of total capacity of 390 KLD, Rain water Harvesting for roof run off of 550 Cum and surface run off with 25 Nos of recharge pits, 35.7% of green belt with thick foliage, Solar Energy for illuminating common areas, gardens, and street lighting in addition to provision of solar heating and D.G. set of 7 Nos. x 500 KVA, 1 No. x 160 KVA and 1 No. x 365 KVA as per the Environmental Clearance issued by the State Level Impact Assessment authority in Part-II of the NOC issued by the authority. The capacities of these central installations are much lesser than specified, and the actual capacities have been suppressed and not mentioned in the Deed of Declaration or any other document accessible to the allottees. The capacity of Standby Diesel Generator, STP, Water treatment plant, electrical power installations, and other amenities are well short of the prescribed capacity as mandated by the

authorities in the NOC. The copy of the NOC obtained by the Respondent from the state level environment impact assessment authority is produced herewith as **Document No. 7.**

14. Regarding para No. 6: The contention of the Appellant that, the Sobha HRC Pristine project property has been submitted to the provisions of Karnataka Apartment Ownership Act 1972, (KAOA, 1972) vide Deed of Declaration ('DOD) dated 12.06.2023 along with the bye-laws of 'Sobha HRC Pristine Owners Association as per Form-A provided under the KAOA, 1972 and KAO Rules, 1974 and registered as Document No.3588/2023-24 in the office of the Senior Sub-Registrar, Byatarayanapura, Bangalore. Copy of said DOD was duly filed with the Deputy Registrar of Co- Operative Societies, vide letter dated 21.06.2023, as required under Section 13 of KAOA, 1972 and the same has been acknowledged by the said Authority, it is pertinent to note that as required under Section 11(4)(e) of RERA, the Appellant by executing and registering DOD, under the name "Sobha HRC Pristine Owners Association" and the Bye-Laws of the said Association is also provided under Exhibit-B to the said registered DOD, as such the "Sobha HRC Pristine Owners Association" has come into existence in the month of June, 2023 itself are vehemently denied for being highly misconceived. It is pertinent to note that after the notification of RERA act 2016, provisions of RERA 2016 take precedence along with non-conflicting provisions of the local laws i.e. KAOA 1972 and KOFA 1972. Accordingly, the promoter was mandated to form association of allottees way back in the year 2019 and not an association of a

single owner in the year 2023 who is the promoter and not an allottee. That being the case, even as per the Karnataka Apartment Ownership Act 1972 the association formation and its registration are required to be completed adhering to the following provision of the said act. The same are extracted below:

Section 3 Definitions.-

(i) "competent authority" means in relation to building constructed or to be constructed by the Housing Board, the Secretary of the Housing Board and in any other case, the Registrar of Co-operative Societies as defined in the Karnataka Co-operative Societies Act, 1959;

Section 11. Contents of Declaration.-

(2) A true copy each of the Declaration and bye-laws and all amendments to the Declaration or the bye-laws shall be filed in the office of the competent authority.

Section 12. Contents of Deeds of Apartments.- (1)

a. description of the land as provided in section 11 of this Act or the post office address of the property, including in either case the book, page and date of executing the Declaration the date and serial number of its registration under the Registration Act, 1908 and the date and other reference if any, of its filing with the competent authority;

(2) A true copy of every deed of Apartment shall be filed in the office of the competent authority

Section 16. Bye-laws and their contents.-

(1) The administration of every property shall be governed by bye-laws, a true copy of which shall be annexed to the Declaration. No modification of or amendment to the bye-law shall be valid, unless set forth in an amendment to the Declaration and such amendment is duly recorded and a copy thereof is duly filed with the competent authority.

Admittedly the Appellant was mandated to form a registered association of allottees or cooperative society in the year 2019 and include its bylaws and all its amendments to the DOD. The appellant has failed to comply with the provision extracted above and therefore the Appellants claim are false.

15. Regarding para No. 7: The contentions of the Appellant that, as

provided in Section 7 of KAOA 1972, each apartment owners of Sobha HRC Pristine shall comply strictly with the bye-laws and with the administrative rules and regulations adopted pursuant thereto, as either of the same may be lawfully amended from time to time, and with the covenants, conditions and restrictions set forth in the Declaration or In the Deed to his Apartment, failure to comply with any of the same shall be a ground for an action to recover sums due for damages or injunctive relief or both maintainable by the Manager or Board of Managers on behalf of the Association of Apartment Owners or, in a proper case by an aggrieved apartment owner, therefore, it is proper for the Association of Owners to be formed in terms of the KAOA 1972 by adopting the Bye Laws as provided under DOD are vehemently denied for being totally false. As per the provision of KAOA, the Appellant has not been complied and no association has been formed as claimed by the Appellant, the bye laws are not applicable.

16. Regarding para No. 8: The contention of the Appellant that, after the execution & registration of DOD with the bye-laws of Sobha HRC Pristine Owners Association as required under the RERA Act 2016, when the Sobha HRC Pristine Owners Association is in existence, the Respondent No.1 led by one Mr. T. K. Parasuraman claiming to be the Chief Promoter by suppressing the material facts and by misleading the Respondent No.2 and without adhering to the provisions of KAOA 1972, arbitrarily, illegally and unjustly applied and obtained the Certificate of registration of Respondent No.1 Co-operative Society viz:- Sobha HRC Pristine Apartment Owners

Co-Operative Society Limited., under the Karnataka Co-operative Societies Act, 1959 from Respondent No.2 are vehemently denied for being totally false. The members of the Respondent No. 1 in compliance of the KAOA 1972 approached the Respondent No. 2 and registered the co-operative society by duly following the procedures. It is submitted that the President of the Cooperative Society is wrongly named in the appeal as chief promoter, even though the Appellant is very much aware the elections are completed and the office bearers are selected through email correspondences dated 01.10.2023 and further corroborated by the letter No ARB-44/RGN/10/2023-24 dated 26.10.2023 from the Assistant Registrar of Co-operative Societies to the appellant. The appellant themselves acknowledged having received the aforementioned letter on 3.11.2023, before filing the appeal vide their letter dated 26.11.2023. This is a clear attempt to claim that the society is not operational and functioning.

17. Regarding para No. 9: The contention of the Appellant that, subsequent to the Registration of Respondent No.1, the so-called Chief Promoter of the Respondent No.1 has intimated the Appellant vide email dated 24.09.2023 seeking to recognize the Respondent No.1 Society by the Appellant is vehemently denied for being completely false. The Respondent No. 1 being the body corporate constituted as required under KAOA and RERA and local laws (KAOA and KOFA) has rights to take handover and maintain the project. The Appellant's indulgence was required only to the extent of enabling the formation of association and performing its obligations under RERA as a

promoter. The Appellant's interference in the functioning of Respondent No. 1 is ill motivated and mischievous. In turn, the Appellant has duly replied vide Its email dated 25.09.2023 and informed that Appellant would not recognize Respondent No.1 Society as the same is contrary to the provisions of KAOA, 1972 & Rules 1974 and for other reasons assigned therein. The Respondent No.1 Society contrary to law and without the mandate and consent of all the apartment/row house owners of Sobha HRC Pristine Project and after obtaining the registration of Sobha HRC Pristine Owners Co-operative Societies Ltd., started to mislead the owners of the residential units in Sobha HRC Pristine, projecting that Respondent No.1 is the valid & proper Association to take over and look after the maintenance of common areas, common facilities in Sobha HRC Pristine project, which Co-Operative Society Limited is formed contrary to law are vehemently denied for being totally false . The further contention of the Appellant that, the Respondent No.1 is not having mandate from all the apartment owners in HRC Pristine Apartment Building, and as such It could not have been registered by Respondent No.2 under the provisions of Karnataka Co-operative Societies Act, 1959, apart from that, the Respondent No.1 Co-operative Society cannot be formed and maintained, in view of the fact that, it was the obligation of the Appellant under RERA, to enable the formation of Owners' Association under the provisions of KAOA Act by executing & registering the Deed of Declaration (DOD) together with Bye-laws of Association/condominium, as such, the Appellant has executed and registered the DOD dated 12.06.2023 and the

Sobha HRC Pristine Owners Association is in existence as per the provisions of KAOA, 1972, much prior to the grant of Registration Certificate for the Respondent No.1 Co-operative Society Limited are vehemently denied for being totally false and misconceived.

18. Regarding para No. 10 to 14: It is submitted that, the Appellant has extracted clauses of the act and the registered bye law of the Respondent No. 1 to contend its self-serving interpretation of the acts such as the Karnataka Apartment Ownership act 1972, the Karnataka Co-Operative Societies act 1959 and RERA 2016. The appellant cannot contend its interpretation of provision of law before this Hon'ble authority and seek amendments to the same. The Respondent No. 1 has conducted itself very much within the purview of the law of the land and has exercised its members legal and constitutional rights. The appellant on the other hand has resorted to interpret the law in its quest to justify its oblique motives and make untenable and baseless allegations against the Respondents.

19. Regarding para No. 15: it is submitted that, the Respondent No. 1 reiterates that the Appellant has failed to comply with the provision of the Karnataka RERA 2016 and Karnataka apartment ownership act 1972 and register the allottees association as a Co-operative Society under the Karnataka Co-operative Societies Act 1959. The Respondent No. 1 herein has produced the endorsement issued by the sub-registrar which provides clarification that the sub-registrar is not a competent authority to register the association and registration of Deed of Declaration does not constitute the registration of the

association. It is also pertinent to note that the Appellant does not have locus standi to seek interpretation and declaration from this authority especially to endorse the Appellant's self-serving interpretation of legal provisions and procedures. The copy of the endorsement dated 25.07.2023 and the RTI response dated 28.05.2020 are produced herewith as **Document No. 8 and 9**.

20. Regarding para No. 16: it is submitted that the Grounds urged by the Appellant contending that the Registration of Respondent No. 1 Society is opposed to law laid down in the Judgment of the Hon'ble High Court of Karnataka, dated 08.09.2021 passed in CRP No.96/2021 c/w CRP No.64/2021 is vehemently denied for being highly misconceived. The said judgement pertains to a suit which is not covered by RERA act 2016 and the issues in the suit are entirely different. The facts and dispute in the said matter and the instant case are different. It is also pertinent to note that the Hon'ble High Court has not ordered that the co-operative society registered before the competent authority in pursuance of Karnataka Co-operative Societies act 1959 is illegal.

21. Regarding para No. 17: It is submitted that the Grounds urged by the Appellant is untenable and baseless. The Appellant being an unrelated party and not aggrieved legally cannot seek cancellation / Revocation / withdrawal of the Respondent No. 1.

22. Regarding para No. 18: The contention by the Appellant that the impugned registration certificate dated 06.09.2023 issued by the Respondent No.2 registering the Respondent No. 1 as Co-operative Society Limited under

the Provisions of the Karnataka Co-operative Societies Act, 1959, is contrary to the law laid down in the Judgment Passed by the Hon'ble High Court in CRP 96/2021 c/w 64/2021 dated 08.09.2021, in the matter of Shantharam Prabhu & another v/s Dayanad Rai & others is denied for being highly misconceived. The order of the Hon'ble High Court in the said matter does not prohibit registration of the association as cooperative society or as a company. The Hon'ble High Court has not also considered the requirement under section 11(4)(e) and 17 of RERA Act. Hence the Appellant cannot content that the Hon'ble High Court in CRP 96/2021 c/w 64/2021 has prohibited formation of co-operative society. Forming a body cooperate is the fundamental right of the allottees and the Appellant has no right to question the same. The judgement in WP.No. 34660/2017 & 35719-35724/2017 in the matter of Praveen Prakash & others v/s The State of Karnataka & others, which was upheld by the Division Bench of the Karnataka High Court by its order dated 06.11.2019 in WA No. 974 / 2019 and WA No. 1206 -1211/2019 in the matter of VDB Celadon Apartment Owners Association v/s Praveen Prakash & others is not applicable in the instant appeal. The Hon'ble High Court in the Writ Petition and its appeal observed that the society is registered under Karnataka Societies Registration Act 1960 is not competent to be a body corporate to manage the maintenance activity of the apartments.

23. Regarding para No. 19: The contention of the Appellant that the chief promoter Mr. T.K. Parashuraman and the signatories/promoters, while applying for registration of Respondent No.1 have suppressed the material

facts and documents such as execution and registration of Deed of Declaration along with Bye Laws, under the Karnataka Apartment Ownership Act 1972, and the execution and registration of Sale Deed in favour of residential unit purchasers, and execution of Form-B under KAOA, 1972 by the residential unit purchasers submitting the apartment to the provisions of KAOA, 1972 is vehemently denied for being totally false. Similarly further contention that, by suppression of the material facts and documents before the Respondent No.2, the said chief promoter and other signatories/promoters of the Respondent No. 1 have by surreptitiously got done the registration of Respondent No. 1 under the provisions of the Karnataka Co-operative Societies Act, 1959 which registration certificate granted by the Respondent No. 2 is liable to be revoked/ cancelled forthwith is emphatically denied for being highly mischievous. The promoters of the cooperative society has not suppress the material facts. It is pertinent to note that the appellant themselves have claimed that they have submitted copy of the registered DOD and byelaws to Respondent No. 2 and therefore cannot now turn back and claim that this information was suppressed from Respondent No. 2.

24. Regarding para No. 20: The contention of the Appellant that the act of Registration of Respondent No.1 lead by so called Chief Promoter Mr. T.K Parashuraman under the Karnataka Co-operative Societies Act, 1959 is bad in law as the Respondent No.1, without the consent & concurrence of the majority of the residential unit owners and, when the project property is privately developed by the Appellant under the Joint Development Agreement

dated 10.10.2017 and Deed of Declaration dated 12.06.2023 was executed & registered and also execution and registration of the Sale deeds in favour of residential unit purchasers were done and when such residential unit owners have signed and submitted Form-B as per KAO Act /Rules by submitting their residential units to the provisions of KAOA, 1972, as such, the so called Chief Promoter Mr. T.K Parashuram & other promoters/signatories of the Respondent No.1 have no right and authority to form the Co-operative Society Limited and obtain registration certificate under the provisions of Karnataka Co-operative Societies Act, 1959, such act of so called chief Promoter Mr. T.K. Parashuram is illegal and malafide are vehemently denied for being highly misconceived and false. The Appellant's prayer to this authority to withdraw / revoke/ cancel forthwith the registration granted to the Respondent No.1 under the provisions of Karnataka Co-operative Societies Act, 1959 is with the mischievous intention to escape the liability and illegally retain control over the project perpetually.

25. Regarding para No. 21: The contention of the Appellant that the Respondent No. 2 has granted the certificate dated 06.09.2023 for registration of Sobha HRC Pristine Apartment Owners Co-operative Society Ltd without application of mind and without going through the content and objectives in the bye-laws of the said Co-operative Society Ltd and without appreciating that the said contents, objectives of bye-laws are not in accordance with the objects of KCS Act, 1959 and the Respondent No. 2 blindly believing the submission by so called Chief promoter and other signatories/promoters of

Respondent No.1 as true & correct, and mechanically, without application of mind, granted the registration certificate dated 06.09.2023 to the Respondent No. 1 are totally denied for being false, baseless and untenable. The certificate has been issued after perusal of the documents and as per the provision of the act and rules.

26. Regarding para No. 22: The contention of the Appellant that Mr. T.K. Parashuraman who is said to be the Chief Promoter of the Respondent No. 1 has by making adverse publicity contrary to the true facts, provisions of law had mislead few apartment Owners and by creating confusion among the owners of Sobha HRC Pristine Project and to serve his ulterior motive with a handful of residential unit purchasers joining together and acting as promoters of Respondent No.1, mislead the Respondent No.2 for registration of the Respondent No. 1 and issuance of registration certificate dated 06.09.2023 which was done in detrimental to the interest of other majority residential unit purchasers of Sobha HRC Pristine Project are vehemently denied for being false and baseless. The Appellant is not the representative of the allottees and as such the claim made regarding majority opinion is totally false and baseless.

27. Regarding para No. 23: The contention of the Appellant that, upon illegally and arbitrarily obtaining the certificate dated 06.09.2023 by Respondent No.1 by submitting illegal and baseless objects/bye-laws of Respondent No. 1, the so called chief promoter Mr. T.K. Parashuraman has conducted his misdeeds contrary to the provisions of Karnataka Co-operative Societies Act, 1959 and sent an email dated 24.09.2023 to the appellant

requesting to recognize the said society is vehemently denied for being totally false. The appellant is not an authority required to recognise the Respondent No.1. It is true that on 01.10.2023 Respondent No.1 sent E-mail communication calling upon the Appellant to comply with various claims and demands which was in continuation of many other communication made to the Appellant pointing out the deficiencies, breach and illegalities committed by the Appellant. The instant appeal and fierce resistance by the Appellant to stop the Respondent No. 2 from conducting its legitimate functions proves the appellant desperation to oppress and suppress the rights of the allottees.

28. Regarding para No. 24: it is submitted that the number of E-mails itself proves that the Appellant is stating false. The Emails are sent by persons representing appellant's interest and not that of the majority of the allottees.

29. Regarding para No. 25: The contention of the Appellant that the action of the so called Chief Promoter Mr. Parashuraman and other signatories/promoters in registering the Respondent No.1 under the Karnataka Co-operative Societies Act, 1959, and circulating emails with misleading information and messages which create disharmony and animosity among the residential unit purchasers in Sobha HRC Pristine Project and it caused unhealthy atmosphere among the residential unit purchasers/owners of Sobha HRC Pristine building due to the various acts of the so called Chief Promoter of Respondent No.1 and the acts of Respondent No.2 by allowing the registration of the Respondent No.1 Co-operative Society Ltd are vehemently denied for being totally false and baseless. The allegations are false and

baseless and not supported by any documents.

30. Regarding para No. 26: the contention of the Appellant that, the Respondent No.1 is formed & registered as a Co-operative Society Ltd., which have to adhere to the objects as proposed in Para 13 hereinabove, none of the objects of the Respondent No.1 proposes to promotion of the economic interests of its members or public, It does not stipulate how the general welfare of members of the Respondent No.1 or of the public in Formation and accordance with the co-operative principles, formation and registration of such Co-Operative Society Limited shall not Sustain under the law are vehemently denied for being totally false and baseless.

31. Regarding para No. 27: The contention of the Appellant that, the Appellant has enabled the formation of Owners' Association under the provisions of KAOA, 1972 by executing and registering the DOD dated 12.06.2023 together with bye-laws of the association under the name of "SOBHA HRC PRISTINE OWNERS ASSOCIATION" and that the Sobha HRC Pristine Owners Association has come into existence. This is also in compliance with the sub-Rule (1) of Rule 8(A) of RERA Rules 2017 vehemently denied for being highly misconceived. The association has not been registered as required under the KAOA 1972, the sub-registrar has issued endorsement clarifying that it is not the competent authority to register.

32. Regarding para No. 28: It is the matter of record.

33. Regarding para No. 29: it is true that the Respondent No.1 Co-Operative Society is registered by name of "SOBHA HRC PRISTINE APARTMENT

OWNERS CO-OPERATIVE SOCIETY LIMITED". However the further contention of the appellant that the bye-laws are contrary to the objectives of the KCS Act, 1959, itself without adhering to the cooperative principles, which will create confusion and doubts amongst the apartment Owners as regards maintenance of common areas, common amenities and facilities and for payment of maintenance charges, The Respondent No.1 Co-operative Society Limited cannot have its objects to takeover the common area and amenities from the developers and take care of maintenance of common areas, common amenities and facilities by collecting maintenance charges from the apartment owners of Sobha Pristine Project are emphatically denied for being totally false, baseless and untenable. The allottees has purchased the apartment paying premium consideration and has acquired the right to form the cooperative society as per the provisions under law. The appellant on the other hand has sold the apartment units along with common areas and all residual rights to the purchasers and thus does not have any right, authority or power to dictate terms and conditions at its whims and fancies.

34. Regarding para No. 30: it is submitted that the order in the Appeal No.01/2022-23 between 'Classic Enterprises Pvt. Ltd., V/s Classic Land Mark Owners Co-operative Society Limited, by an order dated 16.10.2023 has been stayed by the Hon'ble High Court.

35. All other averments and allegations that have not been specifically traversed are hereby denied as false.

REPLY TO PRAYER

36. In view of the aforesaid preliminary objections and para-wise Reply on merits, this Hon'ble Appellant authority would be pleased to dismiss the aforesaid Appeal of the Appellant along with exemplary costs in favour of the Respondent No.1. Such other order as this Hon'ble Appellant authority may deem fit and appropriate be passed in favour of the Respondent No. 1 and against the Appellant.

Respondent No. 1

Through

Advocate for the Respondent No. 1

VERIFICATION

I, Tharamangalam Kailasam Parasuraman, S/o Late TR Kailasam, Aged 60 years, R/o H-3044, Sobha HRC Pristine Apartment, Amruthahalli Main Road, Jakkuru, Bangalore-560064, the president representing the Respondent No. 1, in the above matter, do hereby verify that the contents in the Written statement para 1 to 33 are true and correct.

Verified at Bangalore on this day of December 2023

Respondent No. 1

**BEFORE THE DEPUTY REGISTRAR OF CO-OPERATIVE
SOCIETIES & APPELLATE AUTHORITY**

Circle -1, Bangalore Urban District

Bangalore - 560003

Appeal No. 30/2023

BETWEEN:

M/s Sobha Limited

.... Appellant

AND

Sobha HRC Pristine Apartment Owners

Co-Operative Society Ltd & another

.....Respondents

AFFIDAVIT

I, Tharamangalam Kailasam Parasuraman, S/o Late TR Kailasam, Aged 60 years, R/o H-3044, Sobha HRC Pristine Apartment, Amruthahalli Main Road, Jakkuru, Bangalore-560064, the president representing the Respondent No. 1 do hereby solemnly affirm and state on oath as follows:

1. I state that I am the President of the complainant, authorized to present and prosecute the above complaint before this Hon'ble Authority.
2. I state that I am fully aware and conversant with the entire facts and circumstances of the case and hence, I swear this affidavit.
3. I state that the averments made in the statement of objection at paras 1 to 33 are true and correct.

DEPONENT

ADVOCATE
"SWORN TO BEFORE ME"
BANGALORE
DATED: .12.2023
No. of corrections: