

**IN THE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL,  
BENGALURU**

**DATED THIS THE 13<sup>th</sup> DAY OF MARCH 2020**

**PRESENT**

**HON'BLE SRI JUSTICE B SREENIVASE GOWDA, CHAIRMAN**

**AND**

**HON'BLE SRI K P DINESH, JUDICIAL MEMBER**

**AND**

**HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER**

**APPEAL (K-REAT) NO. 88/2020**

**(OLD RERA. APL No.92 of 2019)**

**BETWEEN:**

M/s Nandi Developers  
Office at No.18 (2 and 3) 'Nandi Vishwas'  
Uttarahalli Main Road, Bengaluru – 560 061  
A Company Registered Under the  
Companies Act, 1956, and  
Represented by it's  
Authorized Signatory,  
Sri. A. D. Narayana Reddy  
Aged about 56 years,  
S/o Late Subramanya Reddy.

**:APPELLANT**

(By Sri M S Chandrashekar, Adv)

**AND**

1. Smt B C Leelavathi  
D 29/5, DRDO Township,  
Phase 2, Kaggadasanapura,  
Bangalore – 560 093

2. Real Estate Regulatory Authority,  
Karnataka at Bengaluru,  
No. 1/14, 2<sup>nd</sup> floor, Silver Jubilee Block,  
Unity Building, CSI Compound,  
3<sup>rd</sup> Cross, Mission Road,  
Bengaluru-560 027  
Represented by its Secretary.

**:RESPONDENTS**

(M/s L G Associates Advocate for Respondent1)

(Sri M V Prashanth Advocate for Respondent-2)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 before the Karnataka Appellate Tribunal, Bengaluru, to set aside the order dated 30<sup>th</sup> April 2019 in CMP/190203/0002049 passed by the Adjudicating Officer, RERA Respondent-2. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as Appeal No.(K-REAT) 88/2020.

This appeal coming on for admission this day, the Chairman, made the following:

### **JUDGMENT**

1) Learned Counsel for both the parties, on instructions from their respective parties who are present in the Court submitted that appeal may be disposed of in terms of Joint Memo. Joint Memo signed by the parties and the learned Counsel appearing for both is taken on record.

2) Appeal stands disposed in terms of the Joint Memo which is to be treated as part and parcel of this order.

3) As per the terms of the Joint Memo, the appellant shall furnish a draft copy of the Sale Deed to Respondent No.1 on or before 16.3.2020 by sending it to the learned counsel for Respondent No.1 through E.mail, along with the supporting documents.

4) The respondent No.1 after going through the draft Sale Deed sent by the appellant shall send it back to the to him on the very same day or on the next day with her approval. The appellant or his GPA holder by name Sri Balakrishna and Respondent No.1 shall present before the office of the Sub-Registrar office, Basavanagudi, Bangalore, before 11 A.M. on 19.3.2020 and complete the sale transactions in respect of Flat No.413, i.e. B Schedule property (which is part of "A" schedule) in the agreement allotted to in favour of Respondent No.1. Further, appellant or his GPA holder shall execute necessary documents including No Objection Certificate in favour of Respondent No.1 so as to enable her to obtain Khatha and of water and electricity connections in respect of Flat No.413.

5) Appellant shall not demand any extra amount from Respondent No.1 towards execution of Sale Deed in her favour. However, Respondent No.1 shall bear the necessary cost towards stamp duty and registration fee and other incidental expenses

required for registration of the Sale Deed by the appellant in her favour.

6) The appellant or his GPA holder shall hand over a cheque for Rs.23,000/- towards the material costs of the bath rooms fittings in the name of M/s Mahaveer Innovations situated at Katriguppe Main Road, Bangalore and it is open for Respondent No.1 to purchase bath rooms fittings of her choice by paying the difference amount and get the bath rooms fittings fixed through the regular labourers appointed by the developer by paying difference of labour charges.

7) The appellant shall handover the key of the flat directly or through his GPA holder to Respondent No.1 and put her into physical possession of Flat No.413 on the date of execution and registration of sale deed itself.

8) RERA is directed to return the amount deposited by the appellant while preferring this appeal before the Interim Tribunal (KAT) in favour of Respondent No.1 by drawing cheque/Demand Draft in her name.

9) Appellant and Respondent No.1 have no other claim whatsoever against each other relating to the compliant raised by

Respondent No.1 before the authority which is the subject matter of this appeal.

10) Both the parties are hereby directed to extend full cooperation with each other so as to give effect to the terms indicated hereinabove and in the joint memo.

11) Sri M V Prashanth appearing for R2 fairly submits that since Appellant and R1 are compromising the matter, the authority cannot have any objection for this compromise.

12) Sri M V Prashanth, learned counsel for R2 shall ensure that amount deposited by the appellant while preferring this appeal before the Interim Tribunal (KAT) is refunded in favour of Respondent No.1 within 3 days from the date of receipt of this order.

13) It is needless to say that in the event of violation of any of the terms indicated hereinabove and in the joint memo filed by the parties, they are at liberty to move an application for reopening of the appeal.

14) Appeal stands disposed of in terms of Joint Memo.

15) There is no order as to costs.

16) Office to furnish copy of this order to the learned counsel appearing for both the parties.

**Sd/-  
HON'BLE CHAIRMAN**

**Sd/-  
HON'BLE JUDICIAL MEMBER**

**Sd/-  
HON'BLE ADMINISTRATIVE MEMBER**

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