

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

DATED THIS THE 12TH DAY OF AUGUST 2020

PRESENT

HON'BLE SRI JUSTICE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER

FR NO. 03/2020

BETWEEN:

NHDPL Properties Pvt. Ltd
Earlier Nitesh Housing Developers
Private Limited,
Having its registered office at
No. 110, Andrews Building,
MG Road, Bengaluru – 560 001
Represented by its Authorised Representative
Sri Prasad Badhya,
Son of Sri Seetarama Badhya,
Aged about 39 years

:APPELLANT

(By Sri Samarth Shreedhar M/s Shetty & Hegde Associates, Adv.,)

AND

1. Sri Subhasish Chakraborty
Son of Sri. Debesh Chandra Chakraborty,
Aged about 64 years,
2. Smt Tapsi Chakraborty,
Son of Sri Subrasish Chakraborty
Aged about 60 years,

Both are residing at Flat No. B22,
Sobha Ivory – II,
7/1 St. John's Road,
Bengaluru – 560 042

3. Adjudicating Officer
Real Estate (Regulation and Development) Authority,
No. 1/14, Ground Floor,
Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru – 560 075

:RESPONDENTS

(Sri S.N Ashwathnarayan Adv, (RERA) for Respondent)

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 04th December, 2019 in CMP/190513/0002972 passed by the Adjudicating Officer, RERA Respondent No.3. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as FR No. 03/2020.

This appeal coming on for orders this day, Chairman delivered the following:

JUDGMENT

Sri Samarth Shreedhar for M/s Shetty and Hegde Associates, learned counsel appearing for the appellant submits that the appellant and contesting Respondents 1 and 2 have got their dispute settled outside the Court and therefore the appeal may be dismissed as settled out of Court.

Sri S.N. Aswathnarayan, learned counsel appears for R3-RERA.

Since this appeal is at the stage of non-compliance of office objections regarding deposit of 30% of the amount ordered to be paid to R1 and R2 towards delay compensation and notice to R1 and R2 is not yet ordered, the following order is passed:

The submission made by learned counsel appearing for the appellant that the appellant and contesting Respondents 1 and 2 have got their dispute settled out of Court is placed on record and the appeal is **dismissed as settled out of court** and for non-compliance of office objections.

**Sd/-
HON'BLE CHAIRMAN**

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