

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

DATED THIS THE 20th DAY OF NOVEMBER 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.298/2020

BETWEEN:

M/s Prestige Southcity Holdings
A Registered partnership firm acting
Through Managing Partner
M/s. Prestige Estates Projects Ltd.,
A Company Incorporated under the
Company Act, 1956, having registered
Office, at Prestige Falcon Towers,
No.19, Brunton Road,
Craig Park Layout, Ashok Nagar,
Bengaluru – 560 025
Represented by its Authorized
Signatory Mr. Veerendra Kumar

:APPELLANT

(By Sri Mohumed Sadiq, Advocate)

AND

1. Mr Abhijit A Nargund
S/o Ajit Y Naragund
Aged about 35 years
R/at 356, 7th Cross, Behind SBI ATM,
Telecom Layout, Jakkur,
Bangalore – 560 064

2. The Karnataka Real Estate Regulatory Authority
Bangalore, Karnataka,
No.1/14, Ground Floor, Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru-560027
Represented by its Secretary

:RESPONDENTS

(R1 party-in-person)

(Sri S N Ashwathnaryan, Advocate, for Respondent No.2)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal to set aside the order dated 14th February, 2020 in CMP/191104/0004622 passed by the Adjudicating Officer, RERA Respondent No.2.

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

JUDGMENT

Learned Counsel appearing for appellant submits that on 13.11.2020 itself appellant has returned Rs. 1,44,454/- (Rupees One lakh fortyfour thousand four hundred fiftyfour only) to Respondent No. 1 through RTGS towards balance of principal amount and today appellant has also paid Rs.5,000/- (Rupees five thousand only) to respondent No.1 towards litigation expenses and he prays for disposing of the appeal by holding that the claim of respondent is settled fully. The said submission of the learned counsel for the appellant is placed on record.

2. The learned counsel for the appellant further submits that the amount deposited by the appellant while preferring the above appeal in compliance of proviso to Section 43(5) of the RERA Act may be ordered to be refunded to the appellant, with interest, if any, accrued thereon.

3. Respondent No.1 who appears as party in person fairly submits that he has received a sum of Rs.1,44,454/- (Rupees one lakh forty four thousand four hundred and fifty four only) on 13.11.2020 from the appellant towards the balance of principal amount through RTGS and today he has received another Rs.5000/- (Rupees five thousand only) from the appellant towards litigation expenses and he further submits that his claim against the appellant is fully settled and he has no any other claim whatsoever against the appellant and appeal may be disposed by holding that his claim is satisfied fully. The above submission of Respondent No.1 is placed on record.

4. Learned counsel Sri Sudhindra for Sri S.N.Asathnarayan appears for R2.

5. The co-operation extended by Sri Mohumed Sadiq, learned counsel for the appellant and Sri Veerendra Kumar, working as Manager (Legal) in the appellant-company and Respondent No.1 in settling the case amicably is placed on record.

In view of the above statements of the appellant and Respondent No.1, the appeal stands disposed of.

The Registry is directed to release the amount deposited by the appellant while preferring this appeal in compliance of proviso to Section 43(5) of the RERA Act along with interest, if any, accrued thereon within two weeks from today in favour of the appellant by issuing a cheque in the name of the appellant company.

Sd/-
HON'BLE CHAIRMAN

Sd/-
HON'BLE JUDICIAL MEMBER

Sd/-
HON'BLE ADMINISTRATIVE MEMBER