

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

DATED THIS THE 17th DAY OF FEBRUARY, 2021

PRESENT

HON'BLE SRI JUSTICE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER

APPEAL (K-REAT) NO.353/2020

BETWEEN:

M/s Frontier Shelter Pvt. Ltd.,
Represented by its Managing Director,
Mr. Anand Reddy. C, Adult
R/o No.422, 80 Feet Road,
6th Block, Koramangla,
Bengaluru - 560 095

:APPELLANT

(By Smt Lakshmi Shree for M/s Y.R. Sadashiva Reddy Associates, Adv.,)

AND

1. The Real Estate Regulatory Authority, Bengaluru
Situating at No. 1/14, ground floor,
Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru-560 027
2. Sri Om Prakash Singh,
S/o S.N. Singh,
Aged about 36 years,
Residing at 101,
Classic Comforts Apartment,
Bilekahalli,
Bengaluru - 560 008

:RESPONDENTS

(R1 served, unrepresented)

(Sri R Prasanna Rao, Advocate for R2)

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 20th May, 2020 in CMP/191121/0003948 passed by the Adjudicating Officer, RERA Respondent No.1.

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

JUDGMENT

The promoter has preferred this Appeal challenging the order passed by learned A.O., directing the promoter to return the amount of the allottee with interest.

2. Subsequent to filing of the Appeal, appellant/promoter and 2nd respondent/allottee, after due deliberation and discussion of their dispute pertaining to the subject matter of the Complaint and this Appeal, got the same settled amicably by reducing the terms of settlement into writing by way of filing a detailed Compromise Petition under Order XXIII Rule 3 of the Code of Civil Procedure.

3. The said Compromise Petition signed by the appellant/promoter, 2nd respondent/allottee and learned Counsel appearing for them, is taken on record. Affidavits filed by the promoter and allottee verifying the contents of the compromise as true and correct, are taken on record. Memo filed for refund of the amount deposited by the appellant with this Tribunal while preferring the Appeal is also taken on record.

4. The terms of the compromise were read over to the parties in the language known to them and they have declared that the compromise is out of their free will and volition and it is free from force, mis-representation, undue influence and coercion.

5. The promoter, allottee and learned Counsel appearing for them, pray the Tribunal to dispose of the Appeal in terms of the compromise.

6. In view of the above, following order:

- (1) Appeal stands disposed of in terms of the compromise.
- (2) Compromise Petition and affidavits of the parties verifying the contents of the Compromise Petition are ordered to be treated as part and parcel of this order.
- (3) Office, while issuing copy of this order at the instance of the parties, shall issue the order along with Compromise Petition and affidavits verifying the contents of the Compromise Petition.
- (4) In view of disposal of the Appeal in terms of the compromise, pending I.As., if any, stand disposed of as they do not survive for consideration.
- (5) Registry is hereby directed to release the amount deposited by the appellant with the Tribunal while preferring the Appeal in compliance of proviso to Section 43(5) of the RERA Act, along with interest,

if any, accrued thereon, but by deducting the amount towards TDS, to the housing loan account of the allottee as per the particulars furnished with the memo, within two weeks from the date of parties furnishing necessary documents such as pan card, etc. and filing declaration for TDS.

- (6) Registry is hereby directed to return the records of RERA, if received.

**Sd/-
HON'BLE CHAIRMAN**

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

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