

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

**DATED THIS THE 18<sup>TH</sup> DAY OF FEBRUARY, 2021**

**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.47/2020**

**(OLD RERA. APL No. 48 of 2019)**

**BETWEEN:**

Sri P Mohan Murthy,  
S/o Sri P Krishnaiah Chetty,  
Age about 61 years  
One of the Promoter of "Shriram Summitt"  
(A Project of apartment building construction),  
Represented by his Constituted Attorney  
M/s Shriram properties limited,  
A company incorporated under the  
Companies Act, 1956, having its corporate,  
Office at No. 40/43, 4<sup>th</sup> Cross,  
8<sup>th</sup> Main Road, RMV extension, Sadashivnagar,  
Bengaluru - 560 080,  
Represented by its Authorised Signatory,  
B S Nagaraj  
S/o Late B K Subbarao,  
Age 70 years

**:APPELLANT**

(By Sri Sameer Sharma for M/s JSM Law Partners, Advocate)

**AND**

1. The Secretary,  
The Court of the Adjudicating officer,  
The Karnataka Real Estate Regulatory Authority,

Second Floor, Silver Jubilee Block,  
Unity Building, CSI Compound,  
Bengaluru-560 027

2. Mr. Karthikeyan K,  
S/o Mr. P Krishnaswamy,  
Age about 33 years,  
R/at No. 54/G8, Perpdu Palace,  
2<sup>nd</sup> Cross, Vijayashree Layout,  
Kodichikkanahalli,  
Bengaluru – 560 076

**:RESPONDENTS**

(R1 served, unrepresented)

(Sri Aditya Venugopalan for M/s Crestlaw Partners, Adv., for R2)

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 06<sup>th</sup> February, 2019 in CMP/181009/0001430 Adjudicating Officer, RERA Respondent No. 1. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as Appeal No.(K-REAT) 47/2020.

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

### **JUDGMENT**

Promoter has preferred this Appeal challenging the order passed by learned Adjudicating Officer, directing the promoter to provide amenities and to pay delay compensation by way of interest on the sale consideration.

2. Subsequent to filing of this Appeal, appellant/promoter and 2<sup>nd</sup> 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 and conditions of settlement into writing by way of filing a Joint Memo.

3. The Joint Memo signed by the learned Counsel appearing for the parties is taken on record.

4. The submission made by Sri Sameer Sharma, learned Counsel appearing for the appellant/promoter and by Sri Aditya Venugopalan, learned Counsel appearing for the allottee, that the promoter and the allottee have agreed for settling the dispute as per the terms indicated in the Joint Memo, is placed on record.

5. In view of the above, following:

**ORDER**

- 1) Appeal stands disposed of in terms of the Joint Memo.
- 2) The Joint Memo is ordered to be read as part and parcel of this order.
- 3) In the event of parties applying for certified copy of this order, the same shall be furnished along with copy of the Joint Memo.
- 4) The parties shall discharge their obligations indicated in the Joint Memo, so as to give effect to the Joint Memo and to avoid unnecessary litigation in future.
- 5) The Registry is hereby directed to refund the amount deposited by the appellant with this Tribunal while

preferring the Appeal in compliance of proviso to Section 43(5) of the RERA Act in favour of the appellant along with interest, if any, accrued thereon, but by deducting TDS, within two weeks from the date of appellant furnishing necessary documents, such as pan card, etc., by issuing Cheque or DD in the name of the Company and it shall be handed over to the Authorised signatory of the appellant who has signed the Appeal memo and vakalath, as per the memo to be filed by the learned Counsel appearing for the appellant.

- 6) In view of disposal of the Appeal in terms of the Joint Memo, pending I.As., if any, stand disposed of, as they do not survive for consideration.
- 7) The Registry is further directed to return the records of RERA, if any, received.

**Sd/-**  
**HON'BLE CHAIRMAN**

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

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