

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

DATED THIS THE 18TH 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. 269/2020

BETWEEN:

M/s Shriram Properties Limited,
No. 192, 2nd Main,
T. Chowdaiah Road, Sadashivanagar,
Bengaluru – 560 080
Represented by its Authorised signatory,
Mr. Naveen Kumar J

:APPELLANT

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

AND

1. The Karnataka Real Estate Regulatory Authority,
2nd Floor, Silver Jubilee Block,
Unity Building, CSI Compound,
Bengaluru-560 027
Represented by its Secretary

2. Saravanan M K
003, MS Paradise,
9th Cross, Kodihalli,
HAL 2nd Stage,
Bangalore – 560 008

:RESPONDENTS

(R1 served, unrepresented)

(Sri Aditya Venugopalan for M/s Crestlaw Partners, 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 28th November, 2019 in CMP/190728/0003739 passed by the Adjudicating Officer, RERA Respondent No. 1.

This appeal coming on for admission 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 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 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**

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