

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

DATED THIS THE 02ND DAY OF MARCH, 2021

PRESENT

HON'BLE SRI JUSTICE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI K P DINESH, JUDICIAL MEMBER

APPEAL (K-REAT) NO. 367/2020

BETWEEN:

Expat Projects and Development Pvt Ltd.,
Carlton towers, A Wing, 3rd Floor,
Unit No. 301-314, No. 1, Old Airport Road,
Bangalore- 560 008.

Represented by the Authorised Signatory
Mr Ravi Kumar

:APPELLANT

(By M/s Uday Shankar Associates, Advocate)

AND

1. Real Estate Regulatory Authority,
Bangalore
No. 1/14, Ground Floor,
Silver Jubilee Block, 3rd Cross Road,
Sampangi Rama Nagara,
Bengaluru-560 027
2. Anil Valoor,
K 612, Sri Tirumala Sarovar,
Singasandra,
Bengaluru – 560 068

:RESPONDENTS

(R1 served, unrepresented)

(Sri Anil Valoor for R2, Party-in-person)

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 21st May, 2020 in CMP/UR/190311/0002415 passed by the Adjudicating Officer, RERA Respondent No. 1.

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

J U D G M E N T

A promoter of a Real Estate Project has preferred this Appeal challenging the order passed by learned Adjudicating Officer, wherein the promoter was directed to return the amount of the 2nd respondent/allottee along with interest.

2. Subsequent to filing of the Appeal, the appellant/promoter, the 2nd respondent-an applicant for a Flat, after discussion and due deliberation of the 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 Joint Memo of settlement. The Joint Memo of settlement signed by the authorized signatories on behalf of the appellant/promoter and the 2nd respondent and learned Counsel appearing for the appellant, is taken on record.

3. The terms of settlement were read over in the open Court and the 2nd respondent, who appears as party-in-person, has declared that settlement is out of free will and volition and it is free from force, mis-representation, undue influence and coercion.

4. Learned Counsel appearing for the appellant and the 2nd respondent, who appears as party-in-person, pray the Tribunal to dispose of the Appeal in terms of the Joint Memo.

5. In view of the same, following

ORDER

- 1) Appeal stands disposed of in terms of the Joint Memo.
- 2) The Joint Memo is ordered to be treated as part and parcel of this order.
- 3) That, out of the amount deposited by the appellant with the Tribunal while preferring this Appeal in part compliance of proviso to Section 43(5) of the RERA Act, the Registry is hereby directed to release a sum of Rs.1,20,000/- along with interest accrued on the total amount deposited, but by deducting TDS, if any, in favour of the 2nd respondent, by issuing a cheque in his name, within two weeks from the date of 2nd respondent furnishing necessary documents, and shall refund the balance amount of Rs.7,206/- by way of cheque in the name of the appellant-Company and shall hand over the cheque to the authorized signatory of the appellant-Company, who has signed the Appeal memo and the vakalath, within two weeks from the date of furnishing necessary documents.

- 4) In the event of parties applying for certified copy of the order, the same shall be issued along with the copy of the Joint Memo.
- 5) In view of disposing of the Appeal in terms of Joint Memo, pending I.As., if any, stand disposed of, as they do not survive for consideration.
- 6) The Registry is hereby directed to comply with the provisions of Section 44(4) of the RERA Act and return the records to the RERA, if received.

Sd/-
HON'BLE CHAIRMAN

Sd/-
HON'BLE JUDICIAL MEMBER

NOT AN OFFICIAL COPY