

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

DATED THIS THE 20th DAY OF JULY, 2021

PRESENT

HON'BLE SRI B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI K P DINESH, JUDICIAL MEMBER

AND

HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER

APPEAL NO. (K-REAT) 342 /2020

BETWEEN:

1. M/s Nandi Developers
Office at No.18 (2 and 3) 'Nandi Vishwas'
Uttarahalli Main road, Bengaluru – 560 061.
PAN NO. AAKFN8632P
A Company Registered under the Companies Act, 1956,
And Represented by it's
Managing Partner/Authorized signatory,
Sri A D Narayana Reddy
Aged about 56 years,
S/o. Late Subramanya Reddy
2. Sri A D Narayana Reddy
S/o. Late Subramanaya Reddy,
Aged about 28 years,
Managing Partner M/s Nandi Developers
Residing at No. 23, 60/1, Sri Srinivasam,
4th Main, KSRTC layout, Chikkallasandra,
Banaluru – 560 061
3. Sri Balakrishna G
S/o Late K Govindaswamy Naidu
Aged about 28 years
Managing partner M/s Nandi Developers
Residing at No.28/A, 7th cross,
2nd Main, Kathriguppe,
Bengaluru – 560 285

...APPELLANTS

(Sri T N Viswanatha & T N Ramesh, Advocates for Appellants)

AND

1. The Karnataka Real Estate Regulatory Authority,
No. 1/14, 2nd Floor, Silver Jubilee Block,
Unity Building backside, CSI compound,
3rd cross, Mission Road,
Bengaluru 560027.
Represented by its Secretary.
2. Mrs Smrathi Kamath,
W/o Pritiesh Bhat,
Aged about 30 years,
3. Mr. Pritesh Bhat S,
S/o, Deavadas Bhat,
Aged about 35 years,
Respondent No.2 and 3 Residing
At Apartment No. 211,
Nandi Forest View Apartments,
Dwarakanagar, B.D.A Link road,
B.S.K, 5th Stage, Channasandra,
Bangalore – 560 098
4. Mrs Harsitha Kumar
D/o Sri k Kumar
Aged about 28 years,
Residing at No. 10,
Ramachandrappa Layout,
1st Main, R.K Layout,
Padmanabhanagar,
Bangalore – 560 070
5. Mrs Twinkle Gowda
D/o Sri k Kumar
Aged about 24 years,
Residing at No. 10,
Ramachandrappa Layout,
1st Main, R.K Layout,
Padmanabhanagar,
Bangalore – 560 070

...RESPONDENTS

(R1- RERA served, unrepresented)

(M/s Trial Base, Advocates for R2 and R3)

(R4 and R5 – served, unrepresented)

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 19th February, 2020 in CMP/190422/0002728 passed by the Adjudicating Officer, RERA Respondent.

This appeal, coming on for Orders this day, Hon'ble Chairman delivered the following:

J U D G M E N T

The appellants, who are developers of a real estate project known as "NANDI FOREST VIEW" have preferred this appeal challenging the impugned order passed by the learned Adjudicating Officer directing the developer to pay delay compensation awarded to Respondents 2 and 3-allottees.

2. The learned counsel appearing for the developers and allottees submit that the developers and allottees, after due deliberation and discussion of their dispute pertaining to the appeal, have got settled their dispute pertaining to the appeal amicably out of court.

3. Respondents 2 and 3 have filed a Memo stating that they have received a sum of Rs. 1,75,000/- (Rupees One lakh Seventy five thousand) by way of Demand draft bearing No. 018560 dated 16.07.2021 drawn on IDBI Bank, Bengaluru, in the name of Respondent No.3 from the appellant-developer towards full and final settlement of the delay compensation amount awarded to them by the learned Adjudicating Officer in Complaint No.CMP/190422/0002728/2019. Respondents 2 and 3

are wife and husband and R.3 has signed the Memo. Respondent No.2 - wife has issued authorization letter in favour of her husband-Respondent No.3 to collect the Demand Draft from the developer.

4. In view of the Memo of Respondent Nos.2 & 3, appellant has filed a memo praying the Tribunal to dispose of the appeal in terms of the memo filed by Respondent No.2 & 3 and direct the office to refund the amount deposited in the above appeal to the appellants.

6. Memo filed by Respondents 2 and 3 and signed by Respondent No.3 and the learned counsel appearing for them and the Memo filed by the appellants and signed by their learned counsel and their Authorised Signatory are taken on record.

7. Respondent No.1- RERA and Respondents 4 and 5, who are land owners, though served, remained unrepresented.

7. In view of the above submission and for the reasons stated in the Memos, we pass the following:

ORDER

- i) Appeal stands disposed of in terms of the Memos;
- ii) Memos filed by the parties today are ordered to be treated as part and parcel of this order;
- iii) Registry is directed to return the amount deposited by the appellants with this Tribunal while preferring

the appeal in part compliance of proviso to Section 43(5) of the RERA Act, in favour of the appellant along with interest, if any accrued thereon, by issuing a DD/Cheque in the name of the Authorised Signatory of the appellant-company, who has signed the appeal memo and the Vakalath, after following the procedure required for the same. ;

- iv) In view of disposal of the appeal in terms of Memos, pending I.As, if any, stand disposed of as they do not survive for consideration;
- v) In the event of parties applying for certified copy of today's order, the same shall be issued along with copies of Memos filed today;
- vi) Registry is directed to comply with the provision of Section 44(4) of the Act and to return the records to RERA, if any received.

No order as to costs.

Sd/-

HON'BLE CHAIRMAN

Sd/-

HON'BLE JUDICIAL MEMBER

Sd/-

HON'BLE ADMINISTRATIVE MEMBER