

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

DATED THIS THE 23rd DAY OF AUGUST, 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) 391/2020

BETWEEN:

M/s Shrivision Towers Private Limited
No.192, 2nd Main, T.Chowdaiah Road
Sadashivanagar
Bengaluru-560 080.

Represented by its Authorized Signatory,
Mr. Naveen Kumar J.

...APPELLANT

(Rep. by M/s JSM Law Partners, Advocates)

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. Sarvesh Tiwari,
Flat No. 4247,
Opposite to shell petrol pump, Seegahalli,
Bangalore- 560 037.

...RESPONDENTS

(R1 – RERA served, unrepresented)

(M/s Amrit Lal Saha & Associates- Caveator, Advocates for R2)

*** R3 is deleted V.C.O dated 01.09.2021**

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal praying to call for the records and set aside the order dated 03rd August, 2020 passed in CMP/191010/0004308 by respondent No.1-Adjudicating Officer, RERA.

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

J U D G M E N T

The appellant, who is promoter of a real estate project known as "SRIRAM GREEN FIELDS-PHASE 1" has preferred this appeal challenging the impugned order passed by the learned Adjudicating Officer directing the promoter to pay delay compensation awarded to 2nd Respondent/allottee.

2. Learned counsel appearing for the promoter and allottee submit that subsequent to the filing of this appeal the promoter and allottee, after due deliberation and discussion of their dispute pertaining to Compliant No. CMP/191010/0004308 and this appeal, in their presence have got settled their dispute by reducing the terms of settlement into writing by the way of filing a Joint Memo.

3. The Joint Memo signed by the authorized signatory of the appellant-promoter, 2nd Respondent/allottee and the learned counsel appearing for them is taken on record.

4. Respondent No.1 though served, remained unrepresented.

5. The terms of compromise petition were read over to the Appellant and Respondent No.2, who are present in the court, in the language known to them and they have submitted that the compromise/settlement is entered into between them on their free will and volition and there is no force, misrepresentation, fraud, undue influence or coercion and pray the Tribunal that the appeal may be disposed of in terms of the Joint Compromise Petition.

6. In view of the above submissions, we pass the following:

ORDER

- 1) Appeal is disposed of in terms of the Joint Memo filed in the court today;
- 2) Joint Memo filed by the appellant and Respondent No.2 today is ordered to be treated as part and parcel of this order;
- 3) Appellant and Respondent No.2 shall discharge their respective obligations mentioned in the Joint Memo in order to give effect to the compromise and to avoid unnecessary litigation in future;
- 4) In view of dismissal of the Appeal in terms of compromise petition, pending I.As., if any, stand disposed of as they do not survive for consideration;
- 5) Registry is directed to refund the amount deposited by the appellant with this Tribunal while preferring the appeal in part compliance of proviso to Section 43(5) of the RERA Act,

along with interest if any accrued thereon, by issuing a cheque/DD in the name of the appellant and hand over the same to the authorized signatory of the appellant-company, who has signed the appeal memo and the Vakalath, after following the procedure required for the same.

- 6) Office while issuing certified copy of today's order, at the instance of any of the parties, shall issue the same along with a copy of the Joint Memo.
- 7) Registry is hereby directed to comply with the provision of Section 44(4) of the Act and to return the record to RERA, if received.

No order as to costs.

Sd/-

HON'BLE CHAIRMAN

Sd/-

HON'BLE JUDICIAL MEMBER

Sd/-

HON'BLE ADMINISTRATIVE MEMBER