

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

DATED THIS THE 03rd DAY OF SEPTEMBER, 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) 310/2020

BETWEEN:

M/s Shivani Developers,
No. 401, Palace View apartments,
9th Cross Road, H.A.L. 3rd Stage,
Kodihalli, Bengaluru-560 008
A registered partnership Firm.
Represented by its Managing Partner,
Sri.KOTESHWARA RAO PODAPATI,

...APPELLANT

(Rep. by Sri.B.N.Suresh Babu, Advocates)

AND

1. The Karnataka Real Estate Regulatory Authority,
No.1/4, 2nd Floor, Silver Jubilee Block,
Unity Building Back side, CSI compound, 3rd Cross,
Mission Road, Bengaluru-560 027.
Represented by its Secretary.
2. Sri.Prajapati Suresh Kumar
S/O Chunilal Hirabhai Prapathi,
Aged Major, Residing at No.13,
Shivani Sunshine, Chudasandra, Sarjapura,
Bengaluru-560099.

...RESPONDENTS

(R-1-RERA –served unrepresented
Notice to R-2 is held sufficient vide order dated 15.03.2021)

This Appeal is filed under Section 44(1) of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal praying to call for the records and set aside the impugned order dated 5th June 2020 passed in CMP/180623/0000947 passed by respondent No.1-Adjudicating Officer, RERA.

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

J U D G M E N T

Appellant who is developer of a Real Estate Project known as "Shivani Sunshine" has preferred this appeal challenging the common order dated 05.06.2020 passed by the RERA in complaint No.CMP/180404/0000648 and other connected matters.

2. Today, a memo signed by Mr.Koteshwara Rao Podapati, Managing Partner of the appellant Partnership Firm and learned counsel appearing for the appellant is filed. To the said memo, a compromise petition entered into between the appellant and 2nd Respondent out of court is enclosed.

3. Smt. Shanthamma.J learned counsel for B.N.Suresh Babu learned counsel for appellant and Mr.Koteshwara Rao Podapati, Managing Partner of the appellant company are present before the Court.

4. The memo along with a compromise petition entered into between the parties is taken on record.

5. In view of the memo filed by the appellant, the appeal is dismissed as settled out of court in terms of compromise entered into between the appellant and the 2nd Respondent.

6. In view of the dismissal of the appeal, pending I.As if any do not survive for consideration and shall stands disposed of.

7. If the appellant and R-2 applies for certified copy of the order, the same shall be issued along with the copy of the memo dated 03.09.2021.

8. Registrar to comply provisions of Section.44 (4) of the RERA Act.

Sd/-

HON'BLE CHAIRMAN

Sd/-

HON'BLE JUDICIAL MEMBER

Sd/-

HON'BLE ADMINISTRATIVE MEMBER