

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

DATED THIS THE 17th 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) 17/2021

BETWEEN:

Dinesh D Ranka,
R/a The Estate, 10th Floor,
Dickenson Road, Yellappa Garden,
FM Kariyappa Colony,
Bengaluru-560 042
Represented by GPA holder
Nishant Ranka

...APPELLANT

(By Sri. Harish for M/S. Ashlar Law Advocate for appellant)

AND

1. Mr.Partha Chowhan,
2. Mrs. Arpitha Chowhan,

Both residing at No.P-2,
Block-1, BSR Splendour Park,
108/1, Vijaybank Colony Extension,
Horamavu,
Bangalore Urban-560043

3. Karnataka Real Estate Regulatory Authority,
No.1/14, 2nd Floor, Silver Jubilee Block,

Unity Building Back side,
CSI compound, 3rd Cross,
Mission Road, Bengaluru-560 027.
Represented by its Secretary.

4. M/S Kolte Patil Developers Limited,
No.17, City Point, 2nd Floor,
Dhole Patil Road, Pune-411001

Branch Office at
No.22/11, 1st Floor, Park West Building,
Vital Mallya Road, Bangalore-560001
Represented by its Director Mr. Naresh Patil,
who is represented by POA holder
Mr. B.C. Jagadisha.

..RESPONDENTS

(Smt. Anitha, for M/S. Trail Base, Advocate
for Respondents-1 & 2,
Respondent-3 RERA served
Respondent-4 represented by POA holder B.C. Jagadeesha)

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 also praying to allow this appeal, set aside the order dated 28th October, 2020 passed by the RERA, Bengaluru in CMP/200224/0005523.

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

J U D G M E N T

The appellant, who is landowner of a real estate project known as "KOLTE PATIL MIRABILIS" has preferred this appeal

challenging the impugned order dated 28th October, 2020 passed by the Karnataka Real Estate Regulatory Authority (for short 'the RERA') in CMP/200224/0005523, directing the appellant and fourth respondent (developer) to execute and get registered a sale deed in respect of flat No.A-1101 in "A" Block on the 11th floor of the said project in favour of Respondents-1 and 2 herein.

2. Respondent No.3 RERA though served remain unrepresented. Respondent No.4 (developer) is represented by its GPA holder Sri. B.C. Jagadeesha.

3. Sri. Harish, Advocate for M/S. Ashlar Law Advocates, the learned counsel appearing for the appellant-landowner, Sri. Nishant Ranka, GPA holder of Dinesh D. Ranka, Smt. Anitha, the learned counsel appearing for the allottees (respondents 1 and 2), Sri. Partha Chowhan (Respondent No.1), Sri. Jagadeesha, GPA holder of developer-respondent No.4 who are all present in the Court submit that subsequent to filing of this appeal the landowner, developer and allottees, after due deliberation and discussion of their dispute pertaining to Compliant No. CMP/200224/0005523 and this appeal, have got settled their dispute by reducing the terms of settlement into writing by way of filing a Compromise Petition, signed by Sri. Nishant Ranka, GPA holder of the appellant, learned counsel for the appellant, 1st Respondent-allottee for himself and

also on behalf of respondent No.2 who is none other than his wife, counsel for the respondent Nos.1 and 2, Sri. Jagadeesha, GPA holder of developer (respondent No.4).

4. Sri. Partha Chowhan (1st respondent-allottee) submits that respondent No.2 who is none other than his wife is having a small child and hence, she is unable to come to the Court today and as such, she has issued a written authorization in his favour authorizing him to represent her in the Court today and to sign the compromise petition on her behalf. The memorandum of compromise petition filed under Order XXIII, Rule 3 of the Code of Civil Procedure and the written authorization of Respondent No.2 are taken on record.

5. The terms of Compromise Petition are read over to the GPA holder of the appellant, Respondents-1 and 2-allottees and the GPA holder of the developer/respondent No.4 who are present in the court, in the language known to them and they have stated that the settlement entered into between them is 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 Compromise Petition.

6. As per the terms and conditions of the Compromise Petition the appellant-landowner along with the developer

(respondent No.4) have agreed to execute a tripartite sale deed in favour of respondents-1 and 2-allottees without demanding any additional money within four weeks from the date of this compromise petition.

7. In view of the above submissions and the terms of the Compromise Petition, we pass the following:

ORDER

- 1) Appeal stands allowed in terms of the Compromise Petition filed in the court today;
- 2) The Compromise Petition filed is ordered to be treated as part and parcel of the order passed today;
- 3) Appellant-landowner, respondents-1 and 2-allottees and respondent No.4-developer shall strictly adhere to the terms of compromise and discharge their respective obligations incorporated in the Compromise Petition in order to give effect to the compromise and to avoid unnecessary litigation in future;
- 4) In view of disposal of the Appeal in terms of Compromise Petition, pending I.As, if any do not survive for consideration and shall stand disposed of;
- 5) Registry, while issuing certified copy of today's order, at the instance of the parties, shall issue the same along with the copy of the Compromise Petition and

authorization given by respondent No.2 in favour of respondent No.1;

- 6) 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

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