

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

**DATED THIS THE 02<sup>nd</sup> 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) 52/2021**

**BETWEEN:**

M/s Shriram Properties Limited  
No. 40/43, 8<sup>th</sup> Main,  
4<sup>th</sup> Cross, RMV Extension  
Sadashiv Nagar  
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,  
2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building, CSI compound,  
Bengaluru-560 027.  
Represented by its Secretary.
2. Mr. Subramanin VP  
13/211(1), Vishva Kripa,  
Kolmandapam, Pallkad,  
Kerala-678 001.

**...RESPONDENTS**

(MS Dhriti Vishwanath for M/s Crest Law Partners for R2)

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 30<sup>th</sup> May, 2020 passed in CMP/191112/0004676 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 SUMMITT" has preferred this appeal challenging the impugned order passed by the learned Adjudicating Officer directing the promoter to pay delay compensation to 2<sup>nd</sup> Respondent/ allottee by way of interest for delay in delivery of possession of the flat.

2. Learned counsel appearing for the promoter and learned counsel for 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/191112/0004676 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, learned counsel for the appellant and learned counsel appearing for Respondent No.2, is taken on record.

4. On 30.8.2021, the 2<sup>nd</sup> respondent has sent an email to the learned counsel appearing for him, stating that:

"I am a senior citizen and I am currently residing in Tamil Nadu. I am not in a position to travel to Bangalore to attend the matter before RERAT because of COVID. I, therefore authorize my advocates to collect the cheque on my behalf in appeal FR 196 of 2020. I have read the terms of the Joint Memo shared via email. I confirm the terms and I authorize my advocate to sign the joint memo on my behalf."

Copy of the email annexed to the Joint Memo is taken on record and treated as part and parcel of this order.

5. The terms of Joint Memo and annexure were read over to the Appellant who is present in the court, in the language known to him and he has submitted that the Joint Memo entered into between the promoter and allottee 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 Joint Memo.

6. In view of the above submissions, the terms of the Joint memo and the contents of email, 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 learned counsel appearing for 2<sup>nd</sup> Respondent today and the annexure thereto 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 disposal of the Appeal in terms of Joint Memo, pending I.As., if any, stand disposed of as they do not survive for consideration;
- 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 Joint Memo and email annexed thereto;
- 6) 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.

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**

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