

**KARNATAKA STATE LEGAL SERVICES AUTHORITY
BEFORE THE LOK ADALAT**

**IN THE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL
BENGALURU**

DATED THIS THE 11TH DAY OF FEBRUARY, 2023

:CONCILIATORS PRESENT:

**HON'BLE SRI JUSTICE B. SREENIVASE GOWDA,CHAIRMAN
AND**

SRI S. SHASHANK, ADVOCATE CONCILIATOR

APPEAL (K-REAT) NO. 91/2022

Between:

Srivation Towers Private Limited,
No.31, 2nd Main Road, T. Chowddiah Road,
Near Bashyam Circle,
Sadashivnagar, Bengaluru 560080.
A company incorporated under the
Provisions of 1956 Act and
rep. by its Authorised Signatory,
Mr. Bharat Jumrani.

:APPELLANT

(By Sri Arvind Ghimiray, Advocate for JSM Law Partners, Advs)

And:

1. The Karnataka Real Estate Regulatory Authority,
No.1/14, ground floor,
Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru – 560 027
By its Secretary.
2. Asim Kumar Priyadarshi,
Flat No.9115 tower 9
Prestige Tranquility,
Bengaluru Urban,
Karnataka – 560049.

3. Harshitha Raashi
Flat No. 9115 Tower 9
Prestige Tranquility
Bengaluru Urban.
Karnataka – 560049.

:RESPONDENTS

(R1- RERA served, unrepresented)
(R2 and R3 Parties-in-person)

The appellant has filed the above appeal under Section 44 of the Real Estate (Regulation and Development) Act, 2016, praying to set aside the impugned order dated 23.09.2022 passed by the Authority, RERA, Bengaluru in CMP/220124/0008859.

This appeal coming on for recording settlement before National Lok Adalat, this day, the following conciliation order is passed:

CONCILIATION ORDER

The learned counsel appearing for the appellant and respondent No.2 appears as party-in- person and he appears on his behalf and on behalf of R3, who is his wife and he is present.

2. The appellant and Respondent No.2 and 3 after due discussions and deliberations of their dispute in the presence of the judicial and advocate conciliators have got their dispute settled amicably by filing a Joint Memo of Settlement. As per the terms of settlement, the appellant has agreed for releasing the amount deposited by them with this Tribunal while preferring this appeal in compliance of proviso to Section 43(5) of the RERA Act in favor of the allottees and the allottees-respondents 2 and 3 have agreed to receive the said amount towards full and final settlement of their

claim relating to interest for the delayed period from 27.10.2021 till date of delivery of possession which shall be on or before 31.12.2023. A Joint Memo signed by the Authorised signatory of the appellant-promoter their learned counsel appearing for the appellant and the 2nd respondent-allottee, on his behalf and on behalf of his wife-3rd respondent, is filed.

3. The appellant and respondent No.2 and 3 have agreed that they have no any other claim whatsoever against each other except the obligations which they have undertaken to perform in this joint memo.

4. The settlement entered into between the parties is voluntary and on their free will, volition, without any force or coercion.

5. This appeal stands disposed of in terms of the Joint Memo. Joint Memo signed by both the parties and their Advocates is treated as part and parcel of this order.

6. In view of the above, the following:

ORDER

- i) Appeal is disposed of in terms of the Joint Memo;
- ii) The Joint Memo and Memo of authorization filed by the parties is ordered to be treated as part and parcel of this order;

- iii) Parties shall discharge their respective obligations enumerated in the Joint Memo in order to give effect to the compromise and to avoid unnecessary litigation in future;
- iv) The Registry is hereby directed to release a sum of Rs.4,30,300 /- (Rupees Four Lakhs Thirty Thousand Three Hundred Only) deposited by the appellant with this Tribunal while preferring the Appeal in compliance of proviso to Section 43(5) of the Act, along with interest, if any, to the allottees- Respondents 2 and 3 by issuing either a cheque or DD in their favour on furnishing necessary documents and by following due procedure;
- v) Office while issuing certified copy of the order, at the instance of any of the parties, shall issue the same along with copy of the Joint Memo;
- vi) Registry is directed to comply with provision of Section 44(4) of the Act and to return the records to RERA, if received.

**Sd/-
HON'BLE CHAIRMAN**

**Sd/-
ADVOCATE - CONCILIATOR**