

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

**DATED THIS THE 19<sup>TH</sup> DAY OF MARCH 2021**

**PRESENT**

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

**AND**

**HON'BLE SRI K P DINESH, JUDICIAL MEMBER**

**APPEAL (K-REAT) NO. 296/2020**

**BETWEEN**

M/S. Ozone Urbana Infra  
Developers Limited,  
No.38, Ulsoor Road,  
Bengaluru-560 042.  
Represented by Ameetha P.

**:Appellant**

(By M/s. Deepak Bhaskar & Associates, Adv., for appellant)

**AND**

1. Mr. Vishal Sinha,  
Residing at  
F103, Brigade Metropolis,  
Garudachar Palya,  
Mahadevpura,  
Bangalore-560 048.
2. Mrs. Poonam Sinha,  
F103, Brigade Metropolis,  
Garudachar Palya,  
Mahadevpura,  
Bangalore-560 048.
3. Adjudicating Officer,  
Real Estate Regulatory Authority, Karnataka,  
2<sup>nd</sup> floor, Silver Jubli Block,  
Unity Building, CSI Compound,  
3<sup>rd</sup> Cross, Mission Road,

Bengaluru, Karnataka-560 027.

**:Respondents**

(R-1:Sri Vishal Sinha, party-in-person, present)

(R-2: Mrs. Poonam Sinha, party-in-person)

(R-3 - served, un-represented)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, praying to set aside the order dated 03.02.2020 passed in Complaint No.CMP/190714/0003496 by respondent No.3.

This Appeal, coming on for hearing on for orders, this day, the Hon'ble Chairman, delivered the following:

### **JUDGMENT**

The appellant, who is a promoter of a Real Estate Project, has preferred this Appeal, challenging the order dated 03.02.2020 passed by learned Adjudicating Officer, in Complaint No.CMP/190714/0003496 directing the appellant to return the amount of the allottee with interest.

2. Learned Counsel appearing for the appellant and respondent No.1, who represents himself and his wife/respondent No.2, jointly submit that appellant and respondent No.2 have got their dispute settled out of Court as per the terms of the settlement agreement enclosed along with the memo for withdrawal and prayed the Tribunal to dismiss the Appeal as withdrawn.

4. In view of the above, following

**ORDER**

- (1) Appeal is dismissed as withdrawn.
- (2) The memo for withdrawal and settlement agreement are ordered to be treated as part and parcel of this order.
- (3) As per Clause 2(b) of the settlement agreement, the Registrar of this Tribunal is hereby directed to release the amount deposited by the appellant with this Tribunal while preferring the Appeal, in favour of respondent No.1 viz., Vishal Sinha, along with interest, if any, accrued thereon, but by deducting TDS, within two weeks from the date of respondent No.1 furnishing necessary documents.
- (4) In the event of parties applying for copy of this order, the Registry shall issue the same along with the copy of memo of withdrawal and settlement agreement.
- (5) In view of dismissal of this Appeal as withdrawn, pending I.As., if any, stand disposed of, as they do not survive for consideration.
- (6) The Registry is hereby directed to comply provisions of Section 44(4) of the RERA Act and to return the records of RERA, if received.

**Sd/-  
HON'BLE CHAIRMAN**

**Sd/-  
HON'BLE JUDICIAL MEMBER**