

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

DATED THIS THE 02ND 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. 367/2020

BETWEEN:

Expat Projects and Development Pvt Ltd.,
Carlton towers, A Wing, 3rd Floor,
Unit No. 301-314, No. 1, Old Airport Road,
Bangalore- 560 008.
Represented by the Authorised Signatory
Mr Ravi Kumar

:APPELLANT

(By M/s Uday Shankar Associates, Advocate)

AND

1. Real Estate Regulatory Authority,
Bangalore
No. 1/14, Ground Floor,
Silver Jubilee Block, 3rd Cross Road,
Sampangi Rama Nagara,
Bengaluru-560 027

2. Anil Valoor,
K 612, Sri Tirumala Sarovar,
Singasandra,
Bengaluru - 560 068

:RESPONDENTS

(R1 served, unrepresented)

(Sri Anil Valoor for R2, Party-in-person)



RERA-763



This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal to set aside the order dated 21st May, 2020 in CMP/UR/190311/0002415 passed by the Adjudicating Officer, RERA Respondent No. 1.

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

J U D G M E N T

A promoter of a Real Estate Project has preferred this Appeal challenging the order passed by learned Adjudicating Officer, wherein the promoter was directed to return the amount of the 2nd respondent/allottee along with interest.

2. Subsequent to filing of the Appeal, the appellant/promoter, the 2nd respondent-an applicant for a Flat, after discussion and due deliberation of the dispute pertaining to the subject matter of the Complaint and this Appeal, got the same settled amicably by reducing the terms of settlement into writing by way of filing a Joint Memo of settlement. The Joint Memo of settlement signed by the authorized signatories on behalf of the appellant/promoter and the 2nd respondent and learned Counsel appearing for the appellant, is taken on record.

3. The terms of settlement were read over in the open Court and the 2nd respondent, who appears as party-in-person, has declared that settlement is out of free will and volition and it is free from force, mis-representation, undue influence and coercion.

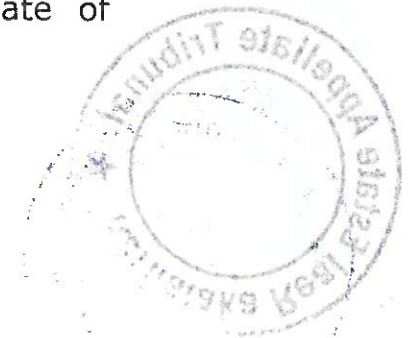
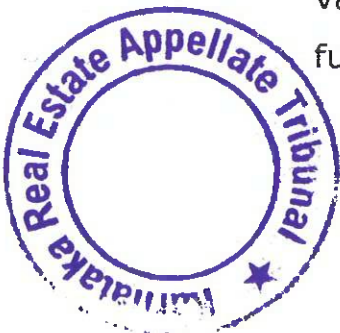


4. Learned Counsel appearing for the appellant and the 2nd respondent, who appears as party-in-person, pray the Tribunal to dispose of the Appeal in terms of the Joint Memo.

5. In view of the same, following

ORDER

- 1) Appeal stands disposed of in terms of the Joint Memo.
- 2) The Joint Memo is ordered to be treated as part and parcel of this order.
- 3) That, out of the amount deposited by the appellant with the Tribunal while preferring this Appeal in part compliance of proviso to Section 43(5) of the RERA Act, the Registry is hereby directed to release a sum of Rs.1,20,000/- along with interest accrued on the total amount deposited, but by deducting TDS, if any, in favour of the 2nd respondent, by issuing a cheque in his name, within two weeks from the date of 2nd respondent furnishing necessary documents, and shall refund the balance amount of Rs.7,206/- by way of cheque in the name of the appellant-Company and shall hand over the cheque to the authorized signatory of the appellant-Company, who has signed the Appeal memo and the vakalath, within two weeks from the date of furnishing necessary documents.



- 4) In the event of parties applying for certified copy of the order, the same shall be issued along with the copy of the Joint Memo.
- 5) In view of disposing of the Appeal in terms of Joint Memo, pending I.As., if any, stand disposed of, as they do not survive for consideration.
- 6) The Registry is hereby directed to comply with the provisions of Section 44(4) of the RERA Act and return the records to the RERA, if received.

**Sd/-
HON'BLE CHAIRMAN**

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

TRUE COPY

S. H. Srinivas
**SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU-560 027**

12/2/22



**BEFORE THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL,
KARNATAKA**

APPEAL NO. 367/2020

BETWEEN:

**EXPAT PROJECTS AND DEVELOPMENT
PVT. LTD.,**

.....APPELLANT

AND

**REAL ESTATE REGULATORY AUTHORITY,
BANGALORE AND ANOTHER**

....RESPONDENTS

JOINT MEMORANDUM OF SETTLEMENT

The Appellant and the Respondent No. 2 jointly submit as follows:-

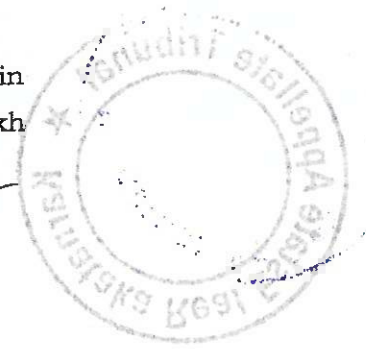
1. The present appeal has been preferred by the Appellant herein impugning the order of the Hon'ble Adjudicatory Authority dated 21-5-2020.
2. That upon service of summons in the present appeal, the Respondent No. 2 who is the original complainant before the Adjudicatory Authority has appeared in person and has indicated his willingness to settle the present dispute between the parties with a view to put an end to litigation.
3. That the present memorandum of settlement is being signed by Mr. Ravi Kumar, the authorized signatory of the Appellant herein authorized vide Board Resolution dated 26-08-2020 which is enclosed in the appeal and Mr. Anil Valoor, party in person i.e., the Respondent No. 2 herein.
4. That upon discussions *inter se*, the parties hereto have jointly arrived at a settlement where under a the Respondent No. 2 herein has indicated his willingness to accept a sum of Rs. 1,20,000/- (Rupees one lakh twenty thousand only) as full and final settlement of all disputes between the parties herein.

5. That while preferring the present appeal the Appellant herein had deposited a sum of Rs. 1,27,206/- (Rupees one lakh

For Expat Projects And Development Pvt. Ltd.



FILED IN THE COURT
ON: 02-03-2021



twenty seven thousand, two hundred and six only) before this Hon'ble Tribunal at the time of preferring the present appeal. In view of the settlement arrived at by the parties, the parties are agreeable to a sum of Rs. 1,20,000/- (Rupees one lakh, twenty thousand only) being released in favour of the Respondent No. 2 herein, ^{along with the interest on the fixed deposit} and the balance Rs, 7,206/- (Rupees seven thousand, two hundred and six only) being released in favour of the Appellant herein.

6. That the parties herein undertake that they shall not initiate any action for any claims after the execution of this agreement.
7. That the Parties further state that neither of them has suffered any fraud, undue influence or coercion in executing this settlement and that they have executed this agreement out of their own free will and volition.
8. In view of this agreement entered into between the parties it is humbly prayed that the present appeal may be disposed off with a direction to the registry to release a sum of Rs. 1,20,000/- (Rupees one lakh, twenty thousand only) in favour of the Respondent No. 2 herein and the balance Rs, 7,206/- (Rupees seven thousand, two hundred and six only) released in favour of the Appellant herein.

For Expat Projects And Development Pvt. Ltd.


Authorised Signatory

APPELLANT

Bengaluru
21/3/2021.



RESPONDENT


ADVOCATE FOR APPELLANT

TRUE COPY


SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU-560 027

