

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

**DATED THIS THE 20<sup>th</sup> DAY OF JULY, 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**

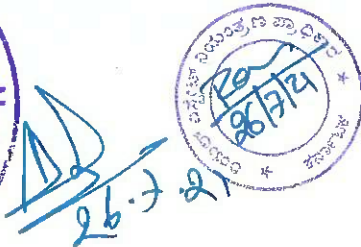
**APPEAL NO. (K-REAT) 328 /2020**

**BETWEEN:**

1. M/s Nandi Developers  
Office at No.18 (2 and 3) 'Nandi Vishwas'  
Uttarahalli Main road, Bengaluru - 560 061.  
PAN NO. AAKFN8632P  
A Company Registered under the Companies Act, 1956,  
And Represented by it's  
Managing Partner/Authorized signatory,  
Sri A D Narayana Reddy  
Aged about 56 years,  
S/o. Late Subramanya Reddy
2. Sri A D Narayana Reddy  
S/o. Late Subramanaya Reddy,  
Aged about 28 years,  
Managing Partner M/s Nandi Developers  
Residing at No. 23, 60/1, Sri Srinivasam,  
4<sup>th</sup> Main, KSRTC layout, Chikkallasandra,  
Bangaluru - 560 061
3. Sri Balakrishna G  
S/o Late K Govindaswamy Naidu  
Aged about 28 years  
Managing partner M/s Nandi Developers  
Residing at No.28/A, 7<sup>th</sup> cross,  
2<sup>nd</sup> Main, Kathriguppe,  
Bengaluru - 560 285

**...APPELLANTS**

(Sri T N Viswanatha & T N Ramesh, Advocates for Appellants)



RERA 2023

**AND**

1. The Karnataka Real Estate Regulatory Authority,  
No. 1/14, 2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building backside, CSI compound,  
3<sup>rd</sup> cross, Mission Road,  
Bengaluru 560027.  
Represented by its Secretary.

2. Sri Ram Mohan H.S  
S/o, Sir h.N. Srinivasa Murthy,  
Aged about 45 years,

Respondent No.2 is Residing  
At Apartment No. 109,  
Nandi Forest View Apartments,  
Dwarakanagar, B.D.A Link road,  
B.S.K, 5<sup>th</sup> Stage, Channasandra,  
Bangalore - 560 098

3. Mrs Harsitha Kumar  
D/o Sri k Kumar  
Aged about 28 years,  
Residing at No. 10,  
Ramachandrappa Layout,  
1<sup>st</sup> Main, R.K Layout,  
Padmanabhanagar,  
Bangalore - 560 070

4. Mrs Twinkle Gowda  
D/o Sri k Kumar  
Aged about 24 years,  
Residing at No. 10,  
Ramachandrappa Layout,  
1<sup>st</sup> Main, R.K Layout,  
Padmanabhanagar,  
Bangalore - 560 070

**...RESPONDENTS**

(R1- RERA served, unrepresented)

(M/s Trial Base, Advocate for R2)

(R4 and R5 - served, unrepresented)



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 19<sup>th</sup> February, 2020 in CMP/190420/0002707 passed by the Adjudicating Officer, RERA Respondent.

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

### **J U D G M E N T**

The appellants, who are developers of a real estate project known as "NANDI FOREST VIEW" have preferred this appeal challenging the impugned order passed by the learned Adjudicating Officer directing the developer to pay delay compensation awarded to Respondents 2 allottee.

2. The learned counsel appearing for the developers and allottee submit that the developers and allottee, after due deliberation and discussion of their dispute pertaining to the appeal, have got settled their dispute pertaining to the appeal amicably out of court.

3. Respondent No. 2 has filed a Memo stating that he has received a sum of Rs.1,75,000/- (Rupees One Lakh Seventy five thousand) through Account Payee Cheque bearing No. 455691 dated 20.08.2021 drawn on Axis Bank, Banashankari, Bengaluru, from the appellant-developer towards full and final settlement of the delay compensation amount awarded to him by the learned Adjudicating Officer in complaint No. CMP/190420/0002707/2019.



4. In view of the said Memo of Respondent No.2, appellant has filed a memo praying the Tribunal to dispose of the appeal in terms of the memo filed by Respondent No.2 and direct the office to refund the amount deposited in the above appeal to the appellants.

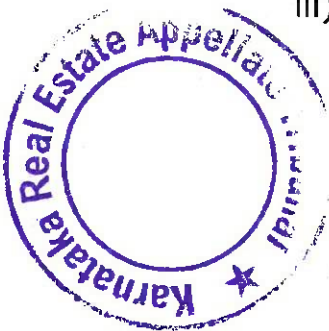
5. Memo signed by Respondent 2 and the learned counsel appearing for him and the Memo signed by the authorized signatory of the appellants and the learned counsel appearing for the appellant are filed and they are taken on record.

6. Respondent No.1- RERA and Respondents 3 and 4, who are land owners, though served, remained unrepresented.

7. In view of the above submission and for the reasons stated in the Memos, we pass the following:

### **ORDER**

- i) Appeal stands disposed of in terms of the Memos;
- ii) Memos filed by the appellant and Respondent No.2 today are ordered to be treated as part and parcel of this order;
- iii) Registry is directed to return the amount deposited by the appellants with this Tribunal while preferring the appeal in part compliance of proviso to Section 43(5) of the RERA Act, in favour of the appellant along with interest, if any accrued thereon, by issuing a DD/Cheque in the name of the Authorised



Signatory of the appellant-company, who has signed the appeal memo and the Vakalath, after following the procedure required for the same. ;

- iv) In view of disposal of the appeal in terms of Memos, pending I.As, if any, stand disposed of as they do not survive for consideration;
- v) In the event of parties applying for certified copy of today's order, the same shall be issued along with copies of Memos filed today;
- vi) Registry is directed to comply with the provision of Section 44(4) of the Act and to return the records to RERA, if any received.

No order as to costs.

Sd/-

HON'BLE CHAIRMAN

Sd/-

HON'BLE JUDICIAL MEMBER

Sd/-

HON'BLE ADMINISTRATIVE MEMBER

**TRUE COPY**

*L. H. ...*

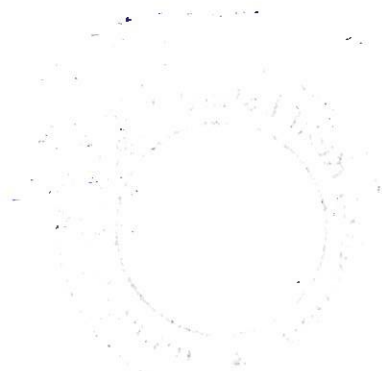
SECTION OFFICER  
KARNATAKA REAL ESTATE  
APPELLATE TRIBUNAL  
BENGALURU-560 027

24/12/21



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WASHINGTON, D.C.



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

**K-REAT.APPEAL 328/2020**

BETWEEN:

M/s NANDI DEVELOPERS  
& OTHERS

APPELLANTS

AND:

THE KARNATAKA REAL ESTATE  
REGULATORY AUTHORITY & OTHERS

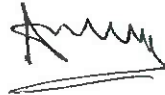
RESPONDENTS

**MEMO**

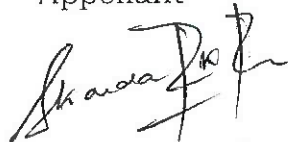
The undersigned advocate appearing for the Appellant prays that this Hon'ble tribunal be pleased to dispose-off the above appeal as settled in terms of the memo filed by the Respondent No.2 and direct the office to refund the amount deposited in the above appeal to the Appellant, in the interest of justice and equity.

Place: Bengaluru

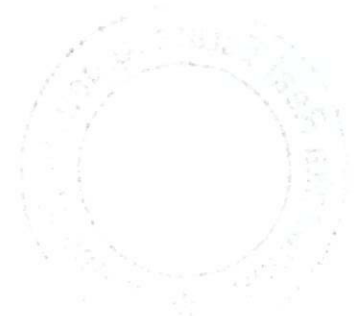
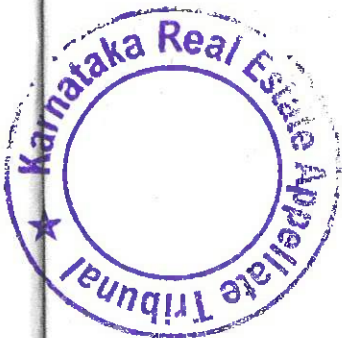
Date: 20.07.2021



Appellant



Advocate for Appellant



111





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

**K-REAT.APPEAL 328/2020**

BETWEEN:

M/s NANDI DEVELOPERS  
& OTHERS

APPELLANTS

AND:

THE KARNATAKA REAL ESTATE  
REGULATORY AUTHORITY & OTHERS

RESPONDENTS

**MEMO**

The undersigned Respondent Nos. 2 humbly submits that he has settled his claim in CMP/190420/0002707/2019 amicably with the Appellant M/s Nandi Developers. The undersigned Respondents have received a sum of Rs. 1,75,000/- (Rupees One lakh Seventy Five thousand only) by way of Account Payee Cheque bearing No 455691 dated 20.08.2021 drawn on Axis Bank, Banashankari Bengaluru in the name of Mr. Ram Mohan from the Appellant towards Full and Final Settlement of my claim in CMP/190420/0002707/2019 by giving up rest of my claim and in this regard, I the undersigned have issued a separate Letter of acknowledgement to the Developer on 16.07.2021 for having received Full and Final Settlement amount. In view of the Full and Final Settlement, the Respondent Nos. 2 humbly prays this Hon'ble Authority to take this Memo on record and the Appeal may be disposed of accordingly in the interest of justice and equity.

Bengaluru  
Date: 20.07.2021

*[Signature]*  
Respondent Nos.2  
Advocate for R2  
*[Signature]*



FROM:

MR. RAM MOHAN H.S.  
Son of Mr. H.N. Srinivasa Murthy,  
Residing at Flat No.109,  
Nandi Forest View Apartments,  
100 Ft. BDA Ring Road,  
Channasandra,  
BENGALURU - 560 098.

TO:

M/s NANDI DEVELOPERS,  
Having Office at No. 2, 3,  
Nandi Vishwas,  
Chikkallasandra,  
BENGALURU - 560 061.

Sub: Letter of Acknowledgement for having received  
Full and Final Settlement amount relating to  
CMP/190420/0002707/2019, Karnataka Real  
Estate Regulatory Authority.

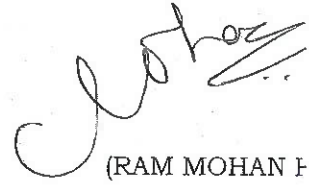
-oOo-

Sir,

I the undersigned has amicably settled the claim relating to CMP/190420/0002707/2019 as ordered by the Karnataka Real Estate Regulatory Authority and agreed to receive the amount of Rs.1,75,000/- (Rupees One lakh and Seventy Five Thousand only) as Full and Final Settlement of my claim. In view of the said Settlement, I the undersigned hereby acknowledge the receipt of Rs. 1,75,000/- (Rupees One lakh and Seventy Five Thousand only) from the Developer by way of Account Payee Cheque bearing No. 455691 dated 20.08.2021 drawn on Axis Bank towards Full and Final Settlement relating to the complaint registered in Karnataka Real Estate

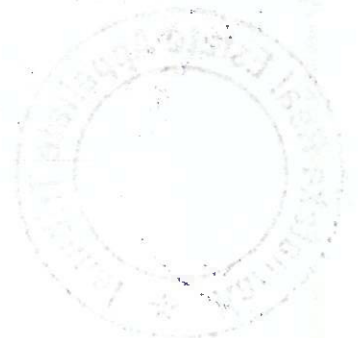


Regulatory Authority bearing No.CMP/190420/0002707/  
. I further declare that no other complaint is pending  
before the Karnataka Real Estate Regulatory Authority  
before any other Authority. In view of this Full and  
Settlement, I the undersigned under take to file Memo to  
the Hon'ble Karnataka Real Estate Appellate Tribunal  
Bengaluru to record the same.



Place: Bengaluru  
Dated: 16.07.2021

(RAM MOHAN)



Pay Ram Mohan OR ORDER / या.उनके आदेश

रुपये Rupees one lakh seven thousand and  
only अदा करें ₹ 1,75,000/-

A/C NO. 915020025687522

CASEL 102460

For NANDI DEVELOPER



Partner(s)/Authorised Signator  
 Please sign above

Payable at par at all branches of Axis Bank Ltd in India.

⑈455691⑈ 560211005⑈ 102460⑈ 29

**TRUE COPY**

*L. A. Suresh*  
 SECTION OFFICER  
 KARNATAKA REAL ESTATE  
 APPELLATE TRIBUNAL  
 BENGALURU-560 027

