

IN THE KARNATAKA REAL ESTATE APPELATE TRIBUNAL,
BENGALURU

DATED THIS THE 20th 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) 342 /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,
4th 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, 7th cross,
2nd Main, Kathriguppe,
Bengaluru – 560 285

...APPELLANTS

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



26.7.21



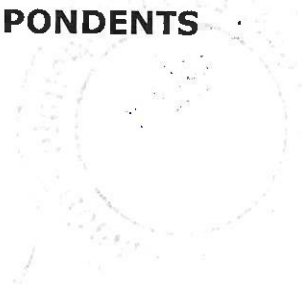
RERA-2020

AND

1. ✓ The Karnataka Real Estate Regulatory Authority,
No. 1/14, 2nd Floor, Silver Jubilee Block,
Unity Building backside, CSI compound,
3rd cross, Mission Road,
Bengaluru 560027.
Represented by its Secretary.
2. Mrs Smrathi Kamath,
W/o Pritiesh Bhat,
Aged about 30 years,
3. Mr. Pritesh Bhat S,
S/o, Deavadas Bhat,
Aged about 35 years,
Respondent No.2 and 3 Residing
At Apartment No. 211,
Nandi Forest View Apartments,
Dwarakanagar, B.D.A Link road,
B.S.K, 5th Stage, Channasandra,
Bangalore - 560 098
4. Mrs Harsitha Kumar
D/o Sri k Kumar
Aged about 28 years,
Residing at No. 10,
Ramachandrappa Layout,
1st Main, R.K Layout,
Padmanabhanagar,
Bangalore - 560 070
5. Mrs Twinkle Gowda
D/o Sri k Kumar
Aged about 24 years,
Residing at No. 10,
Ramachandrappa Layout,
1st Main, R.K Layout,
Padmanabhanagar,
Bangalore - 560 070

...RESPONDENTS

- (R1- RERA served, unrepresented)
(M/s Trial Base, Advocates for R2 and R3)
(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 19th February, 2020 in CMP/190422/0002728 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 and 3-allottees.

2. The learned counsel appearing for the developers and allottees submit that the developers and allottees, 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. Respondents 2 and 3 have filed a Memo stating that they have received a sum of Rs. 1,75,000/- (Rupees One lakh Seventy five thousand) by way of Demand draft bearing No. 018560 dated 16.07.2021 drawn on IDBI Bank, Bengaluru, in the name of Respondent No.3 from the appellant-developer towards full and final settlement of the delay compensation amount awarded to them by the learned Adjudicating Officer in Complaint No.CMP/190422/0002728/2019. Respondents 2 and 3



are wife and husband and R.3 has signed the Memo. Respondent No.2 - wife has issued authorization letter in favour of her husband-Respondent No.3 to collect the Demand Draft from the developer.

4. In view of the Memo of Respondent Nos.2 & 3, appellant has filed a memo praying the Tribunal to dispose of the appeal in terms of the memo filed by Respondent No.2 & 3 and direct the office to refund the amount deposited in the above appeal to the appellants.

6. Memo filed by Respondents 2 and 3 and signed by Respondent No.3 and the learned counsel appearing for them and the Memo filed by the appellants and signed by their learned counsel and their Authorised Signatory are taken on record.

7. Respondent No.1- RERA and Respondents 4 and 5, 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 parties today are ordered to be treated as part and parcel of this order;
- (ii) 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. V. Suresh
SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU-560 027



(77)

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

K-REAT.APPEAL 342/2020

BETWEEN:

M/s NANDI DEVELOPERS
& OTHERS

APPELLANTS

AND:

THE KARNATAKA REAL ESTATE
REGULATORY AUTHORITY & OTHERS

RESPONDENTS

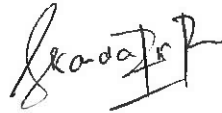
MEMO

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.2⁴³ and direct the office to refund the amount deposited in the above appeal to the Appellant, in the interest of justice and equity.

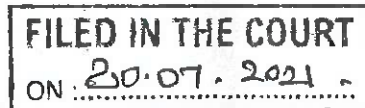
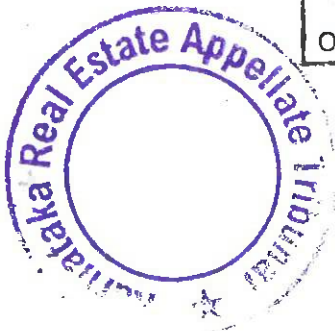
Place: Bengaluru

Date: 20.07.2021

Appellant



Advocate for Appellant



(70)

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

K-REAT.APPEAL 342/2020

BETWEEN:

M/s NANDI DEVELOPERS
& OTHERS

APPELLANTS

AND:

THE KARNATAKA REAL ESTATE
REGULATORY AUTHORITY & OTHERS

RESPONDENTS

MEMO

The undersigned Respondent Nos. 2 & 3 humbly submit that they have settled their claim in CMP/190422/0002728/2019 amicably with the Appellant M/s Nandi Developers. The undersigned Respondents have received a sum of Rs. 1,75,000/- by way of Demand Draft, bearing No. 018560 dated 16.07.2021 drawn on IDBI Bank, Bengaluru in the name of Mr. ^{e PREETESH BHAT S e KARIMULIS} ~~Prahalad D S~~ from the Appellant towards Full and Final Settlement of their claim in CMP/190422/0002728/2019 by giving up rest of their claim and in this regard, We 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 & 3 humbly pray 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.

Place: Bengaluru

Date: 20.07.2021

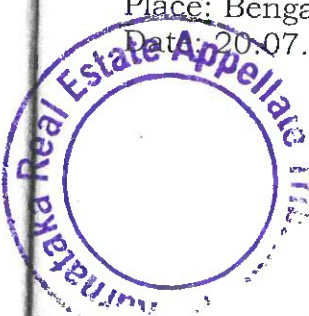
✓
Respondent Nos.2 & 3

Advocate for R2 and 3

[Signature]

FILED IN THE COURT

ON: 20-07-2021



FROM:

Mr. Pritesh Bhat S
Son of Mr. Devadas Bhat,
And
Mrs. Smrathi Kamath,
Wife of Mr. Pritesh Bhat S
Residing at Flat No.211,
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/190426/0002775/2019, Karnataka Real
Estate Regulatory Authority.

-oOo-

Sir,

We the undersigned have amicably settled the claim relating to CMP/190422/0002728/2019 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 our claim. In view of the said Settlement, We 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 demand Draft bearing No. 018560 dated 16.07.2021



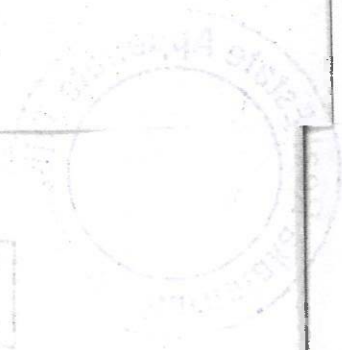
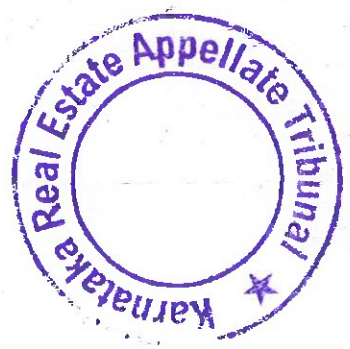
drawn on IDBI Bank towards Full and Final Settlement relating to the complaint registered in Karnataka Real Estate Regulatory Authority bearing No. CMP/190422/0002728/2019. We further declare that no other complaint is pending either before the Karnataka Real Estate Regulatory Authority or before any other Authority. In view of this Full and Final Settlement, We the undersigned under take to file Memo before the Hon'ble Karnataka Real Estate Appellate Tribunal, Bengaluru to record the same.

TRUE COPY

Place: Bengaluru
 Dated: 16.07.2021

(PRITESH BHAT S)

(SMRATHI KAMATH)



FILED IN THE COURT OF
 THE JUDGE
 ON 16.07.2021

IDBI BANK

SHASHWATHI ARCADE, NO.7, ATTIMABBE ROAD
BANASHANKARI IIRD STAGE BANGALORE KARNATAKA - 560085
Sr. No.: 19560

DATE 11 01 2017
D D M M Y Y Y Y

को या उनके आदेश पर OR ORDER प्राप्त मूल्य के लिए
ON DEMAND PAY **PRITESH BHAT**

₹ ***1,75,000.00
अदा करें।
अदा करें / FOR VALUE RECEIVED

खाता सं.
A/c No. 36830100010050

* Not Over INR. 1,75,000.00
के आईडीबीआई बैंक लिमिटेड / For IDBI BANK LTD.

For: NANDI DEVELOPERS

[Signature]
आधिकारिक हस्ताक्षरकर्ता
क्र. सं. / Sr. No.

[Signature]
आधिकारिक हस्ताक्षरकर्ता
क्र. सं. / Sr. No.

Payable at par at all IDBI Bank Branches in India

⑈018560⑈ 000259000⑈ 086800⑈ 16

TRUE COPY

[Signature]
**SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU-560 027**

24/1/17

