

IN THE KARNATAKA REAL ESTATE APPELATE TRIBUNAL,  
BENGALURU

DATED THIS THE 27<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) 34/2020

**BETWEEN:**

M/s Shrivision Towers Private Limited ✓  
No.31, 2<sup>nd</sup> Main, T.Chowdaiah Road  
Near Bashyam Circle, Sadashivanagara  
Bengaluru - 560080

Represented by its Authorised Signatory,  
Naveen Kumar J.

...APPELLANT

(Rep. by M/s JSM Law Partners, Advocate for appellant)

**AND**

1. ✓ The Karnataka Real Estate Regulatory Authority,  
2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building, CSI compound,  
Bengaluru 560027.  
Represented by its Secretary.

2. Mr. Raushan Anand ✓  
#204, Spring Bloom Apartment,  
Muthasandra Main Road, Varthur,  
Bengaluru-560087.

...RESPONDENTS

(R1 - RERA served, unrepresented)

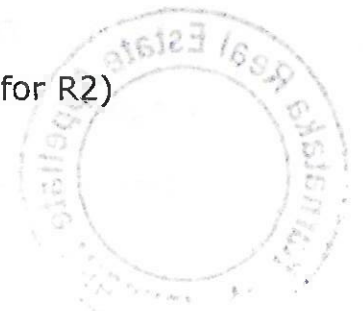
(M/s Amrit Lal Saha & Associates- Caveator, Advocates for R2)



2.8.21  
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RERA-2198



This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal praying to call for the records and set aside the order dated 3<sup>rd</sup> August, 2020 passed in CMP/191010/0004378 by respondent No.1-Adjudicating Officer, RERA.

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

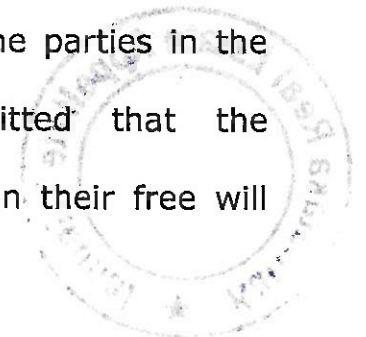
### **J U D G M E N T**

The appellant, who is a developer of a real estate project known as "SRIRAM GREEN FIELDS-PHASE 1" has preferred this appeal challenging the order passed by the learned Adjudicating Officer directing the developer to pay delay compensation awarded to Respondents 2 and 3-allottees, by way of interest.

3. Subsequent to the filing of this appeal, the appellant-developer and Respondent No.2 after due deliberation and discussion of their dispute pertaining to CMP/191010/0004378 and this appeal, have got the same settled amicably by reducing the terms and conditions of settlement into writing by way of a detailed Joint Memo.

3. Joint Memo signed by the authorized signatory of the appellant - developer, respondent No.2-allottee and the learned counsel appearing for the appellant and respondent No.2 is taken on record.

4. The terms of settlement were read over to the parties in the language known to them and they have submitted that the compromise/settlement is entered into between them on their free will



and volition and there is no force, misrepresentation, fraud, undue influence or coercion and pray the court that the appeal may be disposed of in terms of the Joint Memo.

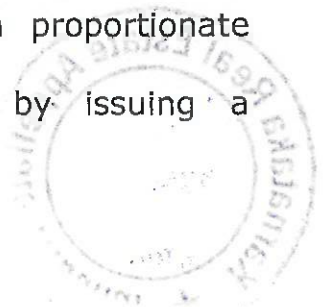
5. In view of the above submissions, we pass the following:

**ORDER**

- i) Appeal is disposed of in terms of the Joint Memo filed in the court today;
- ii) Joint Memo filed by the parties is ordered to be treated as part and parcel of this order;
- iii) Parties shall discharge their respective obligations mentioned in the Joint Memo in order to give effect to the compromise and to avoid unnecessary litigation in future;
- iv) In view of disposal of the appeal in terms of compromise petition, pending I.As, if any, stand disposed of as they do not survive for consideration;
- v) Registry is directed to refund the amount deposited by the appellant with this Tribunal while preferring the appeal in part compliance of proviso to Section 43(5) of the RERA Act, along with proportionate interest accrued thereon, if any, by issuing a



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KARNATAKA REAL ESTATE  
APPELLATE TRIBUNAL  
BENGALURU-560 033



cheque/DD in favour of the appellant-company, and hand over the same to the authorized signatory of the appellant-company who has signed the appeal memo and the Vakalath, after following the procedure required for the same.

- vi) 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 and the authorization letter issued by R.2 in favour of R.3;
- vii) Registry is directed to comply with the provision of Section 44(4) of the Act and to return the record to RERA, if received.

No order as to costs.

Sd/-

HON'BLE CHAIRMAN


Sd/-

HON'BLE JUDICIAL MEMBER

Sd/-

HON'BLE ADMINISTRATIVE MEMBER

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KARNATAKA REAL ESTATE  
APPELLATE TRIBUNAL  
BENGALURU-560 027



**BEFORE THE KARNATAKA REAL ESTATE APPELLATE  
TRIBUNAL, BENGALURU**

**FR No.190 of 2020**

**APPEAL No. 34 /2021**

**BETWEEN:**

M/s. Shrivision Towers Pvt Ltd : Appellant

**AND:**

1. Karnataka Real Estate Regulatory Authority
2. Sri.Raushan Anand : Respondents

**JOINT MEMO FILED BY THE APPELLANT AND RESPONDENT  
NO. 2**

The Appellant and Respondent No.2 most respectfully submit as follows:

1. The Appellant has filed present appeal challenging the impugned order passed by the 1<sup>st</sup> Respondent dated 03.08.2019, in CMP/191010/0004378 wherein the learned Adjudication officer has directed the Appellant to pay delay compensation and cost of the case.

2. That during the pendency of the Appeal and after due discussions between the Appellant and Respondent No.2 along with their counsels have amicably resolved to settle the matter amongst themselves and thereby resolved to solve the dispute.

The signing parties have agreed as under and have decided to



For Shrivision Towers Pvt. Ltd.

Authorised Signatory

*[Handwritten signature]*



file the present compromise petition and settle the case in accordance with the same.

3. The Appellant and Respondent No. 2 agreed to settle the appeal as under:

a. That as per calculation made by the parties, and set off done, the following further amount is pending from the Respondent No. 2 to Appellant company:

<u>REF. NO.</u>	<u>NO. OF DAYS</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
A	307 (from 1 <sup>st</sup> April 2019 to 2 <sup>nd</sup> Feb., 2020)	Delay compensation builder is supposed to pay to the Respondent No. 2 @10.75% and calculated on Rs. 51,27,442/-	4,63,612/-
B	NA	Cost as directed by the Court (RERA)	5000/-
C	NA	Balance from complainant Mr. Raushan Anand to builder	5,19,381/-
C - (A + B) = D	NA	Balance due from	<b>50,769/-</b>



Shrividya Towers Pvt. Ltd.

Authorised Signatory

*Thakur*



	complainant Mr. Raushan Anand to the builder	
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- a. That as per the above tabular calculation enumerated above, an amount of Rs.(4,63,612+ 5,000) = **Rs. 4,68,612/-** is pending from the Appellant to the Respondent No. 2 as delay compensation and cost. Further an amount of **Rs. 5,19,381/-** is due from the Respondent no 2 to the Appellant. After adjusting the same, the Respondent No. 2 has to pay an amount of Rs.50,769/- to the Appellant builder. Thus, the Respondent no. 2 hereby agrees to hand over the Cheque/DD to the Appellant for the balance amount of **Rs. 50,769/-** on the date of the registration.
- b. The parties shall go for registration of the Sale deed for the apartment between **20<sup>th</sup> August to 30<sup>th</sup> August 2021**. The actual registration cost towards stamp duty and other government fees shall be borne by the Respondent No. 2;
- c. That the Respondent No.2 has no objections to release the Appeal money deposited by the Appellant before this Tribunal while preferring this Appeal and thus the Amount may be released in favour of the Appellant.



For Shrivison Towers Pvt. Ltd.

*[Signature]*  
Authorised Signatory

*[Signature]*



- d. That there shall be no further payment by any party to the other apart from the one mentioned above, in relation to this proceedings;
- e. The appellant shall complete the Club House, play areas and land scaping before **November 30<sup>th</sup>, 2021**.
- f. That this settlement has been arrived between the Parties with respect to the Delay compensation only and the Complainant/Respondent no. 2 shall have liberty to pursue other claims against the Appellant, if any.
- g. That in case the Appellant fails to comply the provision of this Joint settlement Memo, the respondent No. 2 and 3 shall have right to take all legal remedies in accordance with law and for the same purpose the order passed by the Hon'ble Appellant Tribunal in pursuant to this Joint Settlement Memo shall be considered as Final Order and can be executed in accordance with law;

**WHEREFORE**, the Appellant and Respondent No. 2 prays that this Hon'ble Tribunal may be pleased to accept this joint memo, and



For Shrivison Towers Pvt. Ltd.

*[Handwritten Signature]*  
Authorised Signatory

*[Handwritten Signature]*





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record the settlement and dispose the above appeal in terms of this Memo, in the interest of Justice and Equity.

<p>For Shrivison Towers Pvt. Ltd. <i>[Signature]</i> Authorised Signatory</p> <p><b>Appellant</b></p>	<p>Respondent no. 2 / Complainant authorized his Advocate to sign this settlement memo</p> <p><i>[Signature]</i></p> <p><b>Respondent no. 2</b></p>
<p><i>[Signature]</i> (For Joseph Anthony)</p> <p><b>Advocate for Appellant</b></p>	<p><i>[Signature]</i> <i>[Signature]</i></p> <p><b>Advocate for Respondent no. 2</b></p>

Place: Bengaluru

Date: 27.07.2021

**Enclosed:** Authorization



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Amritlal Saha & Associates (Law Firm) <asa.lawoffice@asalaw.in>

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## Authorization Letter & Joint Settlement Memo

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Raushan Sinha <raushansinha07@gmail.com>

Mon, Jul 26, 2021 at 12:14 PM


To: "Amritlal Saha & Associates (Law Firm)" <asa.lawoffice@asalaw.in>, THAHA KALEEL <tkaleel@asalaw.in>

Hi Abheek /Thaha ,

please find attached, a signed scan copy of the Authorization Letter & Joint Settlement Memo.

Thanks,  
Raushan Anand

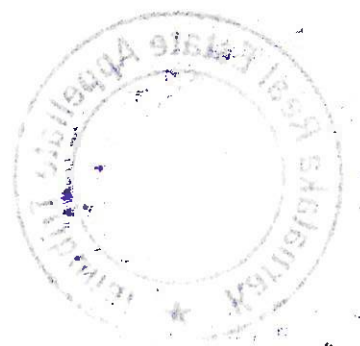
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 AuthorizationLetterAndJointSettlementMemo\_Raushan.pdf  
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July 26 ,2021

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To whom it may concern,

I hereby Authorize my Advocate Amrit Lal Saha & Associates and represented through Adv. Abheek Saha, Adv. Thahakaleel and Adv. Shristi Jaiswal to sign the Joint settlement memo with Shriram and present the same before Hon'ble K-REAT in Appeal filed by Shriram challenging the order in CMP/191010/0004378.

Sincerely,

Raushan Anand  
Flat no: D1307  
Block name: D  
Floor no: 13

*Raushan Anand.*



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BEFORE THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL,  
BENGALURU

APPEAL No. \_\_\_\_\_/2020

FR No. ....

**BETWEEN:**

M/s. Shrivision Towers Private Limited ..... Appellant

**AND:**

1. Karnataka Real Estate Regulatory Authority
2. Shri Raushan Anand ..... Respondents

**JOINT MEMO FILED BY THE APPELLANT AND RESPONDENT NO. 2**

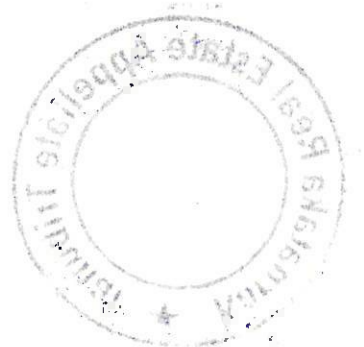
The Appellant and Respondent No.2 most respectfully submit as follows:

1. The Appellant has filed present appeal challenging the impugned order passed by the 1<sup>st</sup> Respondent dated 03.08.2019, in CMP/191010/0004378 wherein the learned Adjudication officer has directed the Appellant to pay delay compensation and cost of the case.
2. That during the pendency of the Appeal and after due discussions between the Appellant and Respondent No. 2 along with their counsels have amicably resolved to settle the matter amongst themselves and thereby resolved to solve the dispute. The signing parties have agreed as under and have decided to file the present compromise petition and settle the case in accordance with the same.
3. The Appellant and Respondent No. 2 agreed to settle the appeal as under:
  - a. That as per calculation made by the parties, and set off done, the following further amount is pending from the Respondent No. 2 to Appellant company:

REF. NO.	NO. OF DAYS	DESCRIPTION	AMOUNT
A	307 (from 1 <sup>st</sup> April 2019 to 2 <sup>nd</sup> Feb., 2020)	Delay compensation builder is supposed to pay to the Respondent No. 2	4,63,612/-

Raushan Anand.







		@10.75% and calculated on Rs. 51,27,442/-	
B	NA	Cost as directed by the Court (RERA)	5000/-
C	NA	Balance from complainant Mr. Raushan Anand to builder	5,19,381/-
C - (A + B) = D	NA	Balance due from complainant Mr. Raushan Anand to the builder	50,769/-

- a. That as per the above tabular calculation enumerated above, an amount of Rs.(4,63,612+ 5,000) = Rs. 4,68,612/- is pending from the Appellant to the Respondent No. 2 as delay compensation and cost. Further an amount of Rs. 5,19,381/- is due from the Respondent no 2 to the Appellant. After adjusting the same, the Respondent No. 2 has to pay an amount of Rs. 50,769/- to the Appellant builder. Thus, the Respondent no. 2 hereby agrees to hand over the Cheque / DD to the Appellant for the balance amount of Rs. 50,769/- on the date of the registration.
- b. The parties shall go for registration of the Sale deed for the apartment between 20<sup>th</sup> August to 30<sup>th</sup> August 2021. The actual registration cost towards stamp duty and other government fees shall be borne by the Respondent No. 2;
- c. That the Respondent No.2 has no objections to release the Appeal money deposited by the Appellant before this Tribunal while preferring this Appeal and thus the Amount may be released in favour of the Appellant.
- d. That there shall be no further payment by any party to the other apart from the one mentioned above, in relation to this proceedings;
- e. The appellant shall complete the Club House, play areas and land scaping before November 30<sup>th</sup>, 2021.

Raushan Anand.



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f. That this settlement has been arrived between the Parties with respect to the Delay compensation only and the Complainant/Respondent no. 2 shall have liberty to pursue other claims against the Appellant, if any.

g. That in case the Appellant fails to comply the provision of this Joint settlement Memo, the respondent No. 2 and 3 shall have right to take all legal remedies in accordance with law and for the same purpose the order passed by the Hon'ble Appellant Tribunal in pursuant to this Joint Settlement Memo shall be considered as Final Order and can be executed in accordance with law;

Wherefore, the Appellant and Respondent No. 2 prays that this Hon'ble Tribunal may be pleased to accept this joint memo, and record the settlement and dispose the above appeal in terms of this Memo, in the interest of Justice and Equity.

Appellant	<i>Rachan Arand.</i> Respondent no. 2
Advocate for Appellant	Advocate for Respondent no. 2

Place: Bengaluru

Date: 27.07.2021

Enclosed: Authorization

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*S. U. S.*  
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*30/7/2021*



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