

IN THE KARNATAKA REAL ESTATE APPELATE TRIBUNAL,
BENGALURU

DATED THIS THE 03rd DAY OF SEPTEMBER, 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) 309/2021

BETWEEN:

M/s Shivani Developers,
No. 401, Palace View apartments,
9th Cross Road, H.A.L. 3rd Stage,
Kodihalli, Bengaluru-560 008
A registered partnership Firm.
Represented by its Managing Partner,
Sri.KOTESHWARA RAO PODAPATI,

...APPELLANT

(Rep. by Sri.B.N.Suresh Babu, Advocate)

AND

1. The Karnataka Real Estate Regulatory Authority,
No.1/4, 2nd Floor, Silver Jubilee Block,
Unity Building, CSI compound, 3rd Cross,
Missions Road, Bengaluru-560 027.
Represented by its Secretary.

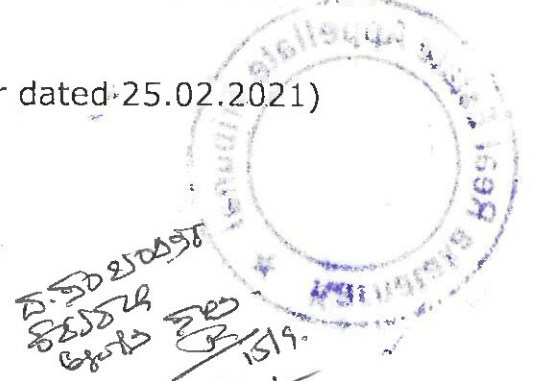
2. Sri.Jayadev Rajan
S/O S.Rajan, Aged Major,
Residing at No.14, Shivani Sunshine,
Chudasandra, Sarjapura,
Bengaluru-560099.

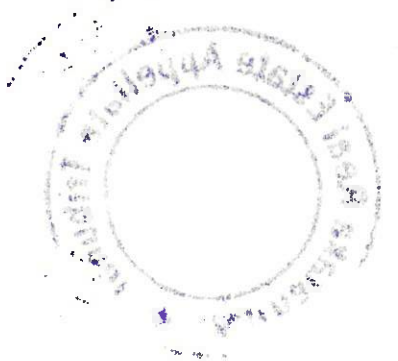
...RESPONDENTS

(R-1-RERA -served unrepresented
Notice to R-2 is held sufficient vide order dated 25.02.2021)



14.9.21
15/9





This Appeal is filed under Section 44(1) of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal praying to call for the records and set aside the order dated 5th June 2020 passed in CMP/180710/0001022 by respondent No.1-Adjudicating Officer, RERA.

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

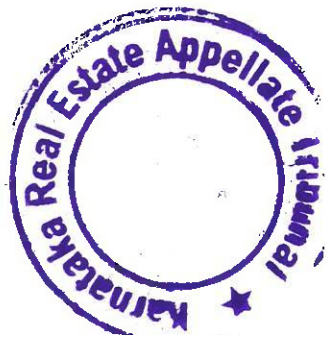
J U D G M E N T

Appellant who is developer of a Real Estate Project known as "Shivani Sunshine" has preferred this appeal challenging the common order dated 05.06.2020 passed by the RERA in complaint No.CMP/180404/0000648 and other connected matters.

2. Today, a memo signed by Mr.Koteshwara Rao Podapati, Managing Partner of the appellant Partnership Firm and learned counsel appearing for the appellant is filed. To the said memo, a compromise petition entered into between the appellant and 2nd Respondent out of court is enclosed.

3. The memo along with a compromise petition entered into between the parties is taken on record.





4. Smt. Shanthamma.J learned counsel for B.N.Suresh Babu learned counsel for appellant and Mr.Koteshwara Rao Podapati, Managing Partner of the appellant company are present before the Court.

5. In view of the memo filed by the appellant, the appeal is dismissed as settled out of court in terms of compromise entered into between the appellant and the 2nd Respondent.

6. In view of the dismissal of the appeal, pending I.As if any do not survive for consideration and shall stands disposed of.

7. If the appellant and R-2 applies for certified copy of the order, the same shall be issued along with the copy of the memo dated 03.09.2021.

8. Registry is directed to comply with the provisions of Section 44(4) of the Act and to return the records to RERA, if any received.

Sd/-
HON'BLE CHAIRMAN

Sd/-
HON'BLE JUDICIAL MEMBER

Sd/-
HON'BLE ADMINISTRATIVE MEMBER

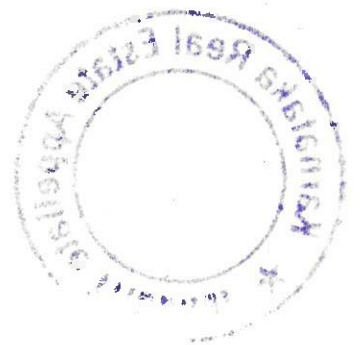
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S. V. Srinivas
SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560 027

12/5/21



REGISTRATION
APPELLATE TRIBUNAL
KARNATAKA REAL ESTATE
SECTION OFFICER
"TRUE COPY"



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**BEFORE THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL AT
BENGALURU**

RERA APPEAL No.309/2020

BETWEEN:

M/s Shivani Developers

APPELLANT

AND

The Karnataka Real Estate Regulatory
Authority and others

RESPONDENTS

MEMO

The above matter is settled between the parties. The second respondent is residing out of country and due to the covid 19 restriction unable to travel to Bengaluru to keep himself present as such the signed scan copy of the compromise petition along with letter of authentication of compromise vide mail is enclosed. The compromise may kindly be accepted through the appellant alone. Hence, the above matter may kind be ^{deemed as settlement out of court} off in terms of compromise to meet the ends of justice and equity.

shantha

BENGALURU

DATE:-3.9.2021

Shantha S
ADVOCATE FOR APPELLANT

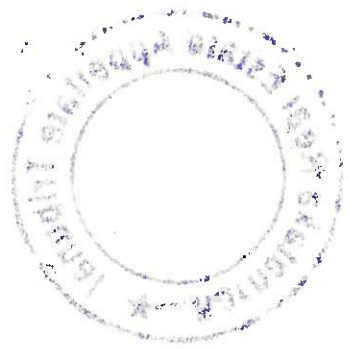
Pb
APPELLANT (P. KOTESWARA MA)

Jayadev Rajan
RESPONDENT NO.2

JAYDEV RAJAN

FILED IN THE COURT
ON: *03.09.2021*





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To,

DATE: 03/09/2021

The RERA APPELLATE TRIBUNAL,

Bengaluru.

Hon'ble Sir,

Sub: RERA Appeal No.309/2020, Letter of authentication of the Compromise petition.

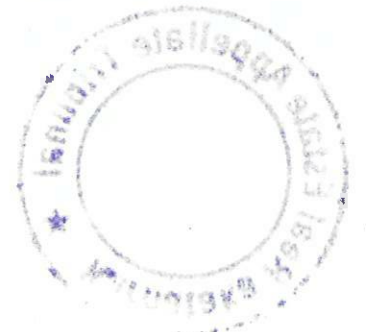
Since I am residing out of station, I am unable to be Present before this Appellate Tribunal in person due to covid 19 restrictions. I have read the terms of the compromise petitioner sent to me by Sri. Koteshwara Rao Podapatti, Managing partner of M/s Shivani Developers carefully and I am satisfied with the terms stipulated therein. Hence, I have no objection to accept the compromise in his presence on my behalf also and dispose off the matter interms of the compromise petition. The compromise is accepted by me out of my free will and consent without any fraud or coercion or threat or undue influence.

Thanking you



Your's faithfully

JAYADEV RAJAN



**BEFORE THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL AT
BENGALURU**

RERA APPEAL No.309/2020

BETWEEN:

M/s Shivani Developers

APPELLANT

AND

The Karnataka Real Estate Regulatory
Authority and others

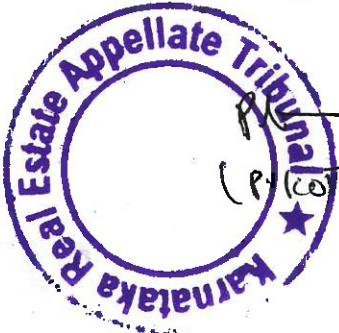
RESPONDENTS

**COMPROMISE PETITION FILED BY THE APPELLANT AND RESPONDENT
NO.2 UNDER ORDER XXIII RULE 3 OF THE CODE OF CIVIL PROCEDURE**

The appellant and the respondent No.2 above named most respectfully submits as follows:-

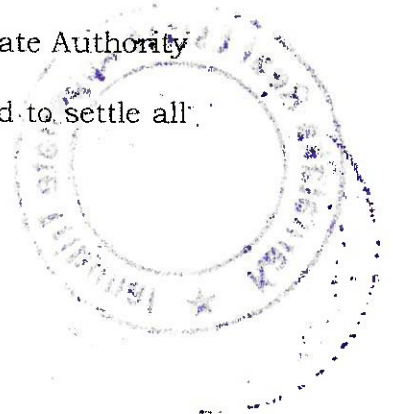
1. The appellant before this Hon'ble Tribunal is the Developer and the second respondent is the purchaser of the Row house constructed by the appellant. The respondent No.2 had filed a complaint before the first respondent authority against the appellant about pending works of providing amenities which were listed in the complaint and compensation for the delay in project. During the course of hearing before the first respondent the appellant and the respondent No.2 arrived at a compromise and submitted the same before the first respondent. However, the first respondent authority passed the final order, as such the appellant has preferred the above appeal.

2. The appellant and the respondent No.2 submit that the appellant and the respondent No.2 at the kind intervention of the Hon'ble Appellate Authority have once again renegotiated the terms and have amicably decided to settle all



(P. COBURNATHA AA)

(JAYADEV NARAYAN)



the disputes. The appellant has agreed to complete the pending works of providing amenities as per the time frame provided here under and the agreed terms and conditions of the compromise are reduced into writing which are as under:-

a. The appellant has agreed to provide power back-up as well as will install the CC Tv's on or before 15th April 2021.

b. The Children play area work will be completed on or before 31st May 2021.

c. The works of providing swimming pool, club house, party hall, Gym, table tennis, Snooker will be commenced simultaneously within 2 weeks from the date of accepting the compromise petition and will be completed within 20th September 2021. A detailed break up of work schedule is attached in Annexure A. The Appellant shall carry out work of club house as per the club house elevation plan which is submitted to the Respondent No.2 at the time of execution of sale deed.

d. is in due a sum of Rs.2,00,000/- (Rupees two lakhs only) to the appellant for providing amenities. Out of which the respondent No.2 have agreed to pay/deposit a sum of Rs.1,00,000/- (Rupees one lakh only) each into within a week from the compromise. The appellants must deposit the remaining amount required for the amenities within 10 days from the date of respondent no. 2 depositing the amount in the above-mentioned escrow account. The balance amount of Rs.1,00,000/- (Rupees one lakh) payable by the respondent No.2 to escrow account bearing No.331201010035720; Union



(K. RAJESH KARAN)

(JAYADEV RASTAN)



Bank of India, Domlur Branch, Bengaluru having IFSC code: UBIN0533122 in the name of Shivani Sunshine Amenities Account after completing 50% of club house ect. work

e. The respondent No.2 has no objection for removing the status in the official website of the RERA that there is a pending case on the project.

f. The appellant shall clear all pending property tax due.

g. The appellant will get Occupancy certificate from BDA within three to four months from the date of disposal of the suit filed by Smt.Rajamma.

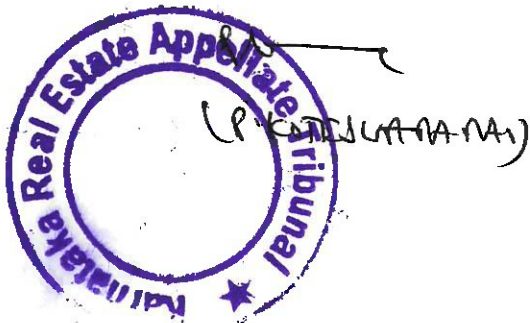
h. The appellant will provide to respondent No.2 individual E-Khatha within three to four months from the date of disposal of the suit filed by Smt.Rajamma and it is the appellant's responsibility to pay the property tax till the E-khatha is transferred to the respondents.

;Details of the pending amenities and timelines are morefully provided in Annexure A

3. The appellant and the respondent No.2 will extend the mutual co-operation in completing the project in terms of the above compromise without making allegations against each other.

4. The respondent No.2 is liberty to execute this compromise in the event the appellant failed to adhere to the terms of the compromise.

5. In view of the above settlement the appellant as well as the respondent No.2 undertakes to withdraw all pending litigations against each other.



A handwritten signature in black ink that reads "(JAYADEV NASTAN)". Above the signature is a large, dark scribble or mark.



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6. The appellant and the respondent No.2 have filed the above compromise out of their free will and consent without any fraud, coercion or threat or undue influence.

WHEREFORE, the appellant and the respondent No.2 above named most respectfully pray that this Hon'ble Appellate Authority may be pleased to modify the impugned order passed by the first respondent interms of the above compromise in the interest of justice and equity.

BENGALURU

DATE:-04/08/2021

Shankar

ADVOCATE FOR APPELLANT

W
APPELLANT (P. KOTESWARA AAI)

JAYDEV RAJAN

RESPONDENT NO.2

ADVOCATE FOR RESPONDENT NO.2

VERIFICATION

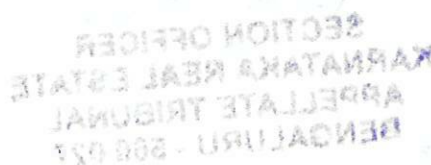
The appellant and the respondent No.2 do hereby verify and declare that what is stated above is true and correct to the best of their knowledge, information and belief which they believe to be true.

BENGALURU

DATE:-04/08/2021

W
APPELLANT (P. KOTESWARA AAI)

JAYDEV RAJAN
RESPONDENT NO.2



ANNEXURE -A

Sl.no.	Work	Date Commencement	Date complete
1	Power backup generator	-	15-Apr-2021
2	CCTV security camera	-	15-Apr-2021
3.	Children play area		31-May-2021
4	Party hall, Gymnasium, Table Tennis, Snooker, Swimming pool	Within 2 Weeks from signing the compromise	20-Sep-2021
5	External painting	01-Apr-2021	31-June -2021
6	Electric motors replacement for STP	-	31-May-2021
7	Outlet for STP	-	30-Jun-2021
8	Provisions for Cauvery water connection		30-Jun-2021

BENGALURU


DATE:-04.8.2021


APPELLANT


RESPONDENT NO.2

(P. KOTESWARA RAU) JAYDEV RAJUW

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

12/8/21

