

IN THE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL
BENGALURU

DATED THIS THE 08TH DAY OF DECEMBER, 2021

PRESENT

HON'BLE SRI B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI K P DINESH, JUDICIAL MEMBER

APPEAL NO. (K-REAT) 82/2020

(Old Appeal No.85/2019)

BETWEEN:

Vivek Kumar,
S/o Mr. R.P.Agarwal,
Aged about 43 years,
R/o no. 126, block C,
Anisha Grange Apartment,
6th G Cross, Kaggadasapura,
C.V. Raman Nagar,
Bengaluru - 560 093.

...APPELLANT

(Sri. Vivek Kumar, party-in-person)

AND

1. The Secretary
The Interim Real Estate Regulatory Authority,
No.1/14, 2nd Floor, Silver Jubilee Block,
Unity Building, CSI compound, 3rd Cross,
Mission Road, Bengaluru-560 027.
2. Bharatiya City Developers Private Limited,
Off. At. #100/1, Anchorage 1, Richmond road,
Bengaluru-560 016.
By its Authorized person/M D

..RESPONDENTS

(1st -Respondent RERA served unrepresented)

Sri. Sanjay Nair, Advocate for M/s Anup S Shah Law Firm for
R.2)



14/12/2021
1/5
6.2



RERA-3747

This Appeal is filed under Section 44 (1) of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal praying to set aside the impugned order dated 16th August, 2018 passed by the Adjudicating officer, in CMP/180524/0000855.

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

J U D G M E N T

The appellant, who is an allottee of a Flat bearing no. 12104, 21st floor of a real estate project known as "Nikoo Homes-I- Bhartiya City" undertaken and developed by the 2nd Respondent Developer has preferred this appeal challenging the impugned order dated 16th August, 2018 passed by the Adjudicating officer, in CMP/180524/0000855.

2. By the impugned order, the learned Adjudicating Officer allowed the complaint filed by the allottee and directed the promoter to refund a sum of Rs. 68,09,996/- along with interest @ the rate of 10.25% per annum.

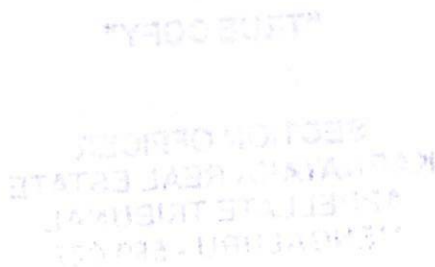
3. Subsequent to filing of this appeal, the appellant/allottee and the 2nd respondent/promoter, after due deliberation and discussion of their dispute pertaining to the subject matter of complaint No. CMP/180524/0000855 and this appeal got the same settled amicably by reducing the terms of settlement into writing by way of filing a joint memo dated 08.12.2021 for settlement, signed by the appellant, who appeared as party-in-person, Sri. Ramachandra A.K Senior Manager (Legal) on behalf of the authorized signatory of



the 2nd respondent-promoter and the learned counsel appearing for the 2nd Respondent-promoter.

4. The terms of Joint Memo are read over to the Appellant-allottee and Senior Manager legal of the 2nd respondent-promoter who are present in the court, in the language known to them and they have stated that the Joint Memo entered into between the appellant/allottee and 2nd respondent/promoter is on their free will and volition and there is no force, misrepresentation, fraud, undue influence or coercion and pray the Tribunal that the appeal may be disposed of in terms of the Joint Memo. Further, the learned counsel appearing for the 2nd respondent-promoter submits that the promoter has agreed for disposal of the appeal in terms of the joint memo and, therefore, he has signed the joint memo. The joint memo is taken on record.

5. As per the terms and conditions of the joint memo the 2nd respondent is making payment of Rs.14,00,000/- (Rupees Fourteen lakhs only) to the appellant through Demand Draft bearing No.001856 dated 06.12.2021 drawn on Bank of Baroda towards full and final settlement of the claims of the appellant made in the complaint and in this appeal. The appellant-allottee acknowledges for having received the demand draft and affixed his signature in the order sheet.



6. In view of the above submissions and the terms of the Joint memo, we pass the following:

ORDER

- 1) Appeal stands disposed of in terms of the Joint Memo filed in the court today;
- 2) The Joint Memo filed is ordered to be treated as part and parcel of the order passed today;
- 3) In view of disposal of the appeal in terms of joint memo, pending I.As, if any do not survive for consideration and shall stand disposed of;
- 4) Registry, while issuing certified copy of today's order, at the instance of the parties, shall issue the same along with the copy of the joint memo;
- 5) Registry is hereby directed to comply with the provision of Section 44(4) of the Act and to return the record to RERA, if received.

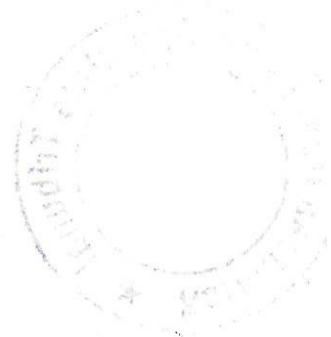
No order as to costs.

**Sd/-
HON'BLE CHAIRMAN**

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

"TRUE COPY"

L. K. Srinivas
**SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560 027**



BEFORE THE HON'BLE KARNATAKA APPELLATE TRIBUNAL
AT BENGALURU

K RERA Appeal No. 82 of 2019

BETWEEN:

Mr. Vivek Kumar

...APPELLANT

AND:

The Real Estate Regulatory Tribunal,
Karnataka and Others

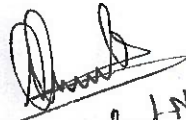
...RESPONDENTS

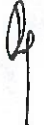
JOINT MEMO FOR SETTLEMENT

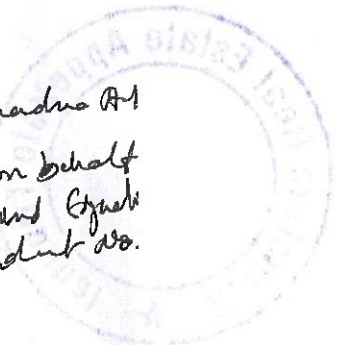
The undersigned Appellant and the Respondent No.2 most respectfully submits as under:

1. The Appellant and Respondent No.2 have amicably settled all the disputes raised in the above matter and resolved the issue, wherein the Respondent No.2 is making payment to Appellant through Demand Draft bearing no.001856 dated 06.12.2021 drawn on Bank of Baroda sum of Rs. 14,00,000/- (Rupees Fourteen Lakhs only) towards full and final settlement of all claims of Appellant. Hence, the Appellant has agreed not to proceed further with the Appeal and withdraw the Appeal and his claims.
2. All other claims, contentions and allegations made by the Appellant as regards the Complaint in the above Appeal stands withdrawn.
3. The Appellant and Respondent No.2 have agreed to settle the dispute voluntarily without there being any threat, force or coercion or any undue influence from anybody and having sound state of mind and good health and there is no collusion in filing this compromise.




(Respondent No.2)


(Rameshchandra A1
Signed on behalf
of Authorized Signatory
of Respondent No.1)



In view of the above, the Appellant and the Respondent confirms that apart from the above, there are no other claims between the parties and the above settlement may be taken on record as full satisfied by this Hon'ble Tribunal and the Appeal be dismissed, without reserving liberty to the Appellant to raise any dispute or claim against the Respondent in the interest of justice and equity.



APPELLANT

Bangalore


Date : 08.12.2021



ADVOCATE FOR RESPONDENT No.2

(Ramaachandra A.K.)
Signed on behalf of
Authorised Signatory
of Respondent No.2

"TRUE COPY"



SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560 027

10/12/21

