

KARNATAKA STATE LEGAL SERVICES AUTHORITY**BEFORE THE LOK ADALAT****IN THE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL
BENGALURU****DATED THIS THE 12TH DAY OF MARCH, 2022****:CONCILIATORS PRESENT:****HON'BLE SRI JUSTICE B. SREENIVASE GOWDA****AND****SRI PRASHANTH MIRLE.V, CONCILIATOR****APPEAL (K-REAT) NO. 22/2021****Between:**

Total Environment Building System Pvt Ltd.,
Imagine No: 78, ITPL Road,
EPIP Whitefield,
Bengaluru – 560 066
(Project: After the Rain Phase-I)

Represented by its
Authorised Signatory
Mr.Surest Chandra Bhandari

:APPELLANT

(By Smt Sujatha .H.H, Advocate)

And:

1. Mrs Elizabeth Rani Koshy
W/o Chandy Koshy
Flat No:310, Embassy Tranquil,
8th Main, 3rd B Block, Koramangala,
Bengaluru – 560 034

2. Karnataka Real Estate Regulatory Authority,
No.1/14, Ground Floor,
Silver Jubilee Block, Unity Building,
CSI Compound, 3rd cross, Mission road,
Bengaluru, Karnataka – 560 027
Represented by its Secretary

:RESPONDENTS

RERA
4600

(Miss Leelu Devi. M for M/s George and Co., Advocates for R1)
(R2- RERA, served, unrepresented)

The appellant has filed the above appeal under Section 44 (1) of the Real Estate (Regulation and Development) Act, 2016, praying to set aside the impugned order dated 30.01.2020 passed by the learned Adjudicating Officer, RERA, Bengaluru in CMP/190408/0002553.

This appeal coming on for recording settlement before National Lok Adalat, this day, the following conciliation order is passed:

CONCILIATION ORDER

The learned counsel appearing for the appellant, Authorized Signatory of the Appellant Company and Respondent No. 1 and learned counsel for R1 are present.

2. After due discussions and deliberations, the matter is settled. The appellant has deposited a sum of Rs.1,14,43,280/- (Rupees One Crore Fourteen Lakhs forty three thousand two hundred and eighty only) at the time of preferring the appeal with this Tribunal. The parties intended to settle the dispute amicably by admitting a compensation and the allottee has agreed to receive a sum of Rs. 72,00,000/- (Rupees seventy two lakhs only). Further, appellant undertakes to hand over possession of the Villa on or before 10th March, 2022 and sale deed will be executed subsequently as agreed upon by both the parties. The same is in full and final settlement of the claim made in the complaint and this appeal. The parties have agreed for releasing a sum of Rs. 72,00,000/- (Rupees seventy two lakhs only) to the 1st Respondent and the remaining amount with accrued interest in favour of the appellant-promoter.



3. The Joint Memo signed by the Authorized Signatory of the Appellant Company and learned counsel for Appellant, Respondent No. 1/allottee and learned counsel for R1 is taken on record.

4. Both parties to the proceedings have agreed that they have no claim whatsoever against each other in respect of the subject matter of the above complaint and the appeal.

5. Registry is directed to release a sum of Rs. 72,00,000/- (Rupees seventy two lakhs only) out of the deposit made by the appellant with this Tribunal at the time of filing the appeal to the 1st respondent-allottee as stated above, by issuing a banker's cheque/DD and release the balance amount with interest accrued, if any, by issuing a banker's cheque/DD in the name of the promoter and hand over the same to the Authorised signatory of the appellant-company, after following due procedure.

4. This appeal stands disposed of in terms of the Joint Memo. Joint Memo signed by both the parties and their Advocates is ordered to be treated as part and parcel of this order.

Sd/-
HON'BLE CHAIRMAN

Sd/-
ADVOCATE - CONCILIATOR



"TRUE COPY"

[Handwritten signature]
SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560 027

413

IN THE REAL ESTATE APPELLATE TRIBUNAL AT BANGALORE

RERA APPEAL (KREAT) No.22/2021

BETWEEN

M/s Total Environment Building Systems Pvt Ltd
Represented by its Authorized Signatory
Mr Suresh Chandra Bhandari Appellant

AND

Mrs Elizabeth Rani Koshy and Another Respondents

JOINT MEMO

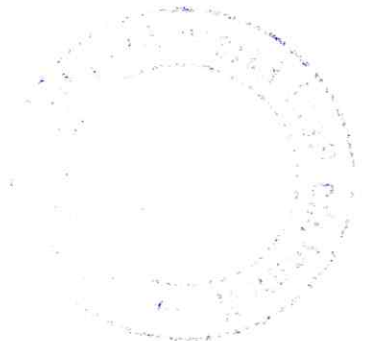
The Parties to the Lis submit as hereunder :

1. The Parties submit that the above Appeal is filed by the Appellant herein aggrieved by the Order dated 30/01/2020 passed by the Respondent No.2 in CMP/190408/0002553.
2. The Parties herein intent to settle the dispute amicably by admitting a compensation of a sum of Rs.72,00,000/- (Rupees Seventy Two Lakhs only) as delay compensation.
3. Respondent No.1 has accepted the same and do not have any further claims for delayed possession, all other rights of the Respondent No.1 will survive and continue as per the Agreement of Sale dated 03.03.2014 and Construction Agreement dated 03.03.2014.
4. The Parties submit that the Appellant herein has made a deposit before RERA on filing the above Appeal before this Hon'ble Tribunal and craves leave of this Hon'ble Tribunal to direct the office of this Hon'ble Tribunal to release the said amount as hereunder :
 - a. Rs.72,00,000/- (Rupees Seventy Two Lakhs Only) to the Respondent No.1
 - b. The remaining amount along with the accrued amount of interest to the Appellant herein.
5. The parties have filed this Joint memo on their own volition and there is no force, undue influence or coercion in filing this Joint memo.



FILED IN THE COURT
ON: 04.03.2021

R. E. Koshy



6. The Respondent No .1 has paid the full sale consideration of Rs 3,60,29,160/- (Rupees Three Crores Sixty Lakhs Twenty Nine Thousand One Hundred and Sixty Only) and there are no dues pending from the Respondent No.1.

7. That the Appellant undertakes to hand over possession of the Villa on or before 10th March, 2022 and Sale Deed will be executed Subsequently as agreed upon by both the parties. ✓ ✓


8. That the Respondent shall have all right as per the Agreement of Sale ~~except~~


9. That the Appellant shall interalia carry out all pending work before handing over. as mentioned in the Annexure-I, ✓ ✓

WHEREFORE the Parties to this Appeal pray that this Hon'ble Tribunal be pleased to record the factum of settlement and dispose off the Appeal accordingly in the interest of justice and equity.

For Total Environment Building Systems Pvt Ltd


Appellant
Authorized Signatory


Respondent No.1


Advocate for the Appellant


Advocate for the Respondent No.1

Bangalore
Date : 2-3-2022

