

**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, CHAIRMAN
AND**

SRI PRASHANTH MIRLE. V, CONCILIATOR

**APPEAL (K-REAT) NO. 75/2020
(OLD RERA APPL No. 77 of 2019)**

Between:

M/s Shivision Towers Private Limited.

A company incorporated

under the provisions of the Companies, Act,

having its present office

at No.31, 2nd Main Road, T. Chowdaiah Road,

Near Bhyasham Circle, Sadshivnagar,

Bengaluru - 560080,

Represented by its Authorized Signatory,

Mr. Naveen Kumar. J,

S/o Late Janardhan Rao,

Aged about 43 years,

being Authorized, vide. Letter of authority

issued by its Director in pursuance of its board resolution,

Dated 27.11.2014.

:APPELLANT

(By Sri R. Hegde Prakash, Advocate)

And:

1. The Adjudicating Officer,
The Karnataka Real Estate
Regulatory Authority,
Second Floor, Silver Jubilee Block,
Unity Building, CSI compound,
3rd Cross, Mission Road,
Bengaluru - 560027.



RERA
4604

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2. Mr. Amit Pal,
S/o Mr. Shaivram Pal,
Age about 39 years,
R/at Flat No.8038, Tower 8,
Prestige Tranquility Apartment,
Near Bommenahalli,
Bengaluru - 560064.

3. Mrs. Soutrima Pal,
D/o. Mr. Sibsankar Nandi,
R/at Flat No.3E, Block-4,
Clubtown Estate, 87 Dum Dum Road,
Kalkatta, West Bengal - 700074.

:RESPONDENTS

(Sri M.D. Rajkumar, Advocate for R-2 & 3)
1st respondent RERA served and unrepresented)

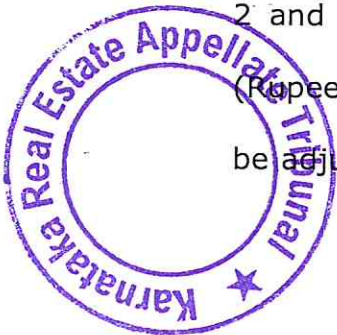
The appellant has filed the above appeal under Section 44 (1) of the Real Estate (Regulation and Development) Act, 2016, praying to set aside the impugned order dated 27.03.2019 passed by the learned Adjudicating Officer, RERA, Bengaluru in CMP/181202/0001705.

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

CONCILIATION ORDER

The learned counsel appearing for the appellant-promoter and the respondents-2 and 3 are present.

2. After due discussions and deliberations, the matter is settled. The appellant-promoter has agreed to pay and respondents 2 and 3-allottees have agreed to receive a sum of Rs.3,00,000/- (Rupees Three lakhs only) towards delay compensation, which will be adjusted towards the balance amount payable by Respondents 2



and 3 towards their Apartment C-1807 in the project known as "Shriram Greenfield- I" as per the table mentioned in the Joint Memo, in full and final settlement of the claim in the complaint and this appeal. Respondents-2 and 3 have no objection to release the amount deposited by the appellant with this Tribunal while preferring the appeal in favour of the appellant.

3. A Joint Memo signed by the authorized signatory of the appellant, learned counsel for the appellant/promoter, Respondents 2 and 3 and the learned counsel for Respondents 2 and 3 is filed.

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 appeal.



5. The Registry of this Tribunal is hereby directed to return 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 interest if any accrued thereon by issuing a cheque/Banker's cheque/D.D in the name of the appellant company and shall hand over the same to the Authorized signatory of the appellant, who has signed the appeal memo and the vakalath after following due procedure required for the same.

6. 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

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SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560 027


11/3/2022
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BEFORE THE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL
BENGALURU

Appeal No. 75 /2020

BETWEEN:

Shrivision Towers Pvt Ltd

.... Appellant

AND:

1. Adjudicating Officer, Karnataka Real Estate Regulatory Authority.
2. Mr. Amit Pal
3. Mrs. Soumitra Pal

.... Respondents

JOINT MEMO FILED BY THE APPELLANT AND RESPONDENT NO. 2 & 3

The Appellant and Respondent No. 2 & 3 most respectfully submit as follows:

1. The Appellant has filed present appeal challenging the impugned order passed by the 1st Respondent dated 27.03.2019 in CMP/181202/0001705 wherein the learned Adjudication Officer, Real Estate Regulatory Authority 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 & 3 along with their counsels have amicably resolved to settle the matter amongst themselves and thereby resolved to solve the dispute. The Appellant and Respondent No.2 & 3 have agreed as under and have decided to file the present joint settlement memo and settle the case in accordance with the same.
3. The Appellant and Respondent No. 2 & 3 have agreed to resolve all their disputes based on the following terms and conditions that have been mutually decided upon by them:-
 - a. That the Appellant has agreed to pay the delay compensation of the total award amount on the amount rendered by the Respondent No. 1 towards the Appellant Project, as ordered by the Adjudicating officer Real Estate Regulatory Authority, Bangalore which arrived at a sum of **Rs. 3,00,000/- (Rupees Three lakhs only)**.
 - b. The Appellant has agreed that the aforesaid sum of Rs. 3,00,000/- (**Rupees Three lakhs only**) will be adjusted towards the balance dues payable by the Respondent

For Shrivision Towers Pvt. Ltd.

Authorized Signatory



→ Amit Pal

→ Soumitra Pal

→ [Signature]

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No.2 &3 towards their Apartment C-1807 in Appellant's project known as Project Shriram Greenfield -1.

- c. The Appellant and Respondent No. 2 & 3 have agreed to adjust the compensation of Rs. 3,00,000/- as detailed in the table below:-

1	Total Delay Compensation agreed between the Appellant and Respondent No. 2 &3	Rs. 3,00,000/-
2	Dues payable towards the aforesaid Apartment from Respondent No. 2 & 3 in terms of the Agreement to sell and Construction Agreement both dated 17.03.2017	Rs. 5,50,557/-
3	Final dues payable after adjusting the delay compensation :	Rs. 2,50,557/-

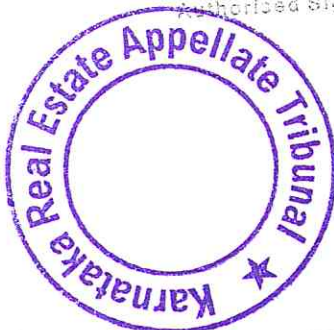
- e. The Appellant and Respondent No. 2 & 3 shall go for registration of Sale Deed for the aforesaid apartment on **11.03.2022** or within a period of 15 working days from the date of signing this joint settlement memo. The registration cost such as stamp duty and other government fees towards the registration of the aforesaid Sale Deed shall be borne by Respondent No. 2 & 3, and no additional charges such as holding fees, interest for delay in registration of sale deed, etc., shall be charged by the Appellant.
4. That both Appellant and Respondent No. 2 & 3 have undertaken not to file any other case/proceedings before any court/authority against each other with regard to the subject-matter of the complaint and the instant appeal. Further, both Appellant and Respondent No. 2 & 3 agree that any other proceedings or actions initiated with regard to the said complaint and the instant appeal stand settled.
5. That the Respondent No. 2 & 3 has no objections to release the Appeal money deposited by the Appellant before this Hon'ble Tribunal while preferring this Appeal and thus the amount may be released in favour of the Appellant.
6. The Appellant and Respondent No. 2 & 3 state that, they have no claim of whatsoever manner against each other either past, present or future other than what is agreed upon with respect to the complaint filed before the Adjudicating Officer, Real Estate Regulatory Authority ,Bangalore, Karnataka which is the subject matter of this Appeal.
7. The Appellant and Respondent No. 2 & 3 further state that there is no collusion or force fraud or any undue influence in entering into the instant compromise and executing the Joint Settlement Memo.

For Shrivision Towers Pvt. Ltd.

Authorized Signatory

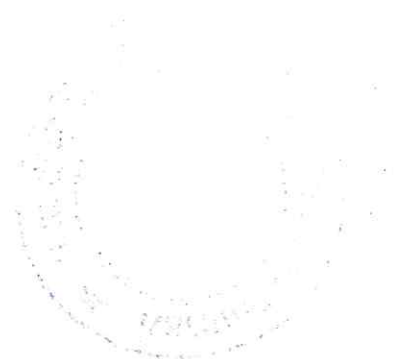
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17 April 2022
2) Sachin Patel



[Signature]

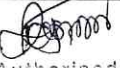



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8. That in case the Appellant fails to comply the provision of this Joint settlement Memo, the Respondent No. 2 & 3 shall have right to invoke all legal remedies in accordance with law and for the same purpose the order passed by the Hon'ble Appellate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

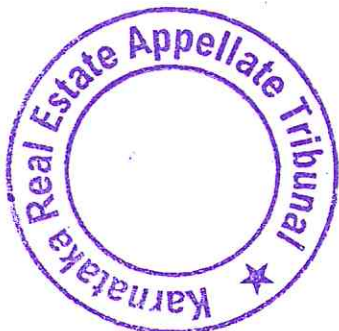
WHEREFORE, the Appellant and Respondent No. 2 & 3 most humbly pray that this Hon'ble Tribunal may be pleased to take the instant Memo on record and dispose the above appeal as fully settled in the interest of justice and equity.

For Shrivision Towers Pvt. Ltd.

<p> Authorised Signatory</p> <p> Advocate for Appellant</p>	<p> (AMIT PAL) 2 Soutrima Pal (SOUTRIMA PAL)  KAR/1888/16 Advocate for Respondent no. 2 & 3</p>
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Place: Bangalore

Dated: 03.03.2022



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RE: In ref : Draft joint
settlement memo in KREAT
Appeal no. 75 of 2020 : Project
Greenfield-1. Shrivision Towers
Pvt Ltd v. Amit Pal. External Inbox



Bharat Jumrani Feb 26

Dear Mr. Raj Please find attached the draft
joint settlement memo to be filed in the

3

Amit Pal Yesterday

to Bharat, me, Vittal, Arun, S... v



Raj

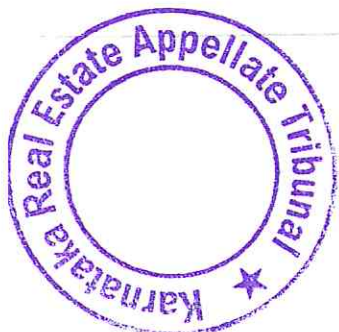
The draft is agreeable to us and you can sign on our
behalf to settle the case.

Please take a copy for our reference and also submit a
copy in RERA to stop the execution of the order.

Regards
Amit Pal & Soutrima Pal
98300 39395

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