BEFORE THE HON'BLE ADJUDICATING OFFICER,

KARNATAKA REAL ESTATE REGULATORY AUTHORITY,

AT BANGALORE

BETWEEN:

1. **Sunil Putty Flat No. D-601**
   Complaint No.CMP/4239/2019

2. **Kanchan Roy Flat No. D-303**
   Complaint No.CMP/4248/2019

3. **Soya Joseph Flat No. B-404**
   ComplaintNo.CMP/4294/2019

4. **Deepa Nair Flat No. E 201**
   Complaint No.CMP/4300/2019

5. **Sreejit Nair Flat No. E-101**
   Complaint No.CMP/4324/2019

6. **Balamurugan Flat No. D-304**
   Complaint No.CMP/4332/2019

7. **Manish Bhargava Flat No. B -504**
   ComplaintNo.CMP/4336/2019

8. **Mansur Ali Farooq Flat No. A –G02**
   Complaint No.CMP/4362/2019

9. **Viraj Nayak Flat No. A 302**
   ComplaintNo.CMP/4401/2019

10. **Rakesh Kumar Verma Flat No. C-G04**
    Complaint No.CMP/191004/4418/2019

11. **Sandeep Kumar MahapatraFlat No. E – G04**
    ComplaintNo.CMP/4462/2019

12. **Roopa Nayakanahalli Flat No. C -301**
    ComplaintNo.CMP/191021/4522/2019

13. **Sai Venkat Kumar Flat No. D-G01**
    Complaint No.CMP/4631/2019

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Managing Director

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14. **Haritha Krishna Flat No. B-302**
ComplaintNo.CMP/191117/4651/2019

15. **Sachin Gupta Flat No. D-704**
Complaint No.CMP/191109/4665/2019

16. **Debashis Mohanty Flat No. B-202**
Complaint No.CMP/190924/4288

17. **Krishna Kumar P. – Flat No. B-403**
Complaint No.CMP/200112/5207

18. **Megha Dubey – Flat No.C-504**

Complaint No.CMP/191215/4992

19. **ND PASSION ELITE APARTMENTS ALLOTTEES WELFARE ASSOCIATION (Represented by its Secretary)**

A registered firm under

The Karnataka Co-Operative

Societies Registration Act,

Having its office at No. CG04,

N D Passion Elite, Kudlu Village,

SarjpuraHobli, Anekal Taluk,

Bangalore Rural District – 560 068

Represented by its

Authorised signatory/Secretary

Sri. Sandeep Kumar Mahapatra **... COMPLAINANTS**

And:

N D DEVELOPERS PVT LTD

A company registered under

The Companies Act, 1956

Having its office at No. 25, Balaji Nilaya

Dollars Colony, B.T.M 2nd Stage, Bangalore

PASSION ELITE ALLOTTEES WELFARE ASSOCIATION Bangalore 560 068

For N.D. DEVELOPERS (P) LTD

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Represented by its

Authorised Signatory/Managing Director

Mr. M.K. K.Durani

Aged about 60 years

S/o M.S.H.K Durani ... **RESPONDENT**

JOINT SETTLEMENT MEMO/COMPROMISE PETITION

I The project N D Passion Elite is a real estate project and the complainants are the allottees of different flats in the said project undertaken to be developed by respondent.

II The above complainants have approached this Hon'ble Authority against the respondents seeking certain reliefs as prayed for in the respective complaints. This Hon'ble authority after hearing the arguments of both the parties has passed the judgements by awarding the delay compensation. Thereafter the complainants have applied for the execution of the said judgments/orders.

III There are 147 flats in the aforesaid project, allottees of 70 flats have formed an association in the name of N D Passion Elite Allottees Welfare Association. The above 17 Complainants are from among 70 members of the association who have decided to compromise the matter with the promoter.

IV The Allottees Welfare association which has been impleaded as complainant No. 2 to represent its members including the above complainants as per the resolution passed in its special general body meeting dated 18/06/2022 and further complainants have also individually given their consent letterss to the association in this regard.

V The Complainants/allottees, their association and the promoter/respondent after discussing their dispute pertaining to the subject matter of the complaints in depth in the presence of their well wishers and the retired judicial and advocate conciliators of RERA have voluntarily decided to compromise the entire dispute amicably.

VI The N D Passion Allottees Welfare Association who is impleaded as second complainant in complainant No. 4239/2019, thus complaints No. 4248, 4294, 4300, 4324, 4332, 4336, 4362, 4401, 4418, 4462, 4522, 4631, 4651, 4665, 4288, 4992 all of 2019 and 5207/2020 have been clubbed with complainant No.

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Managing Director

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4239/2019 and compromise held and recorded in complaint No. 4239/2019 holds good and valid for the aforesaid remaining 17 complaints also.

VII The N D Passion Elite Allottees Welfare Association has been authorised by the complainants in complaints No's. 4239, 4248, 4294, 4300, 4324, 4332, 4336, 4362, 4401, 4418, 4462, 4522, 4631, 4651, 4665, 4288 4992 all of 2019 and 5207/2020 to enter into compromise on their behalf also.

VIII **THE TERMS OF THE SETTLEMENT READS AS UNDER:**

1. Respondent/ promoter has undertaken to contribute his share of investment into Escrow account bearing No.50200031556585 jointly opened in HDFC bank, BTM 2nd stage Branch, Bangalore by promoter and members of this association in the following manner:

   a. The respondent/promoter has agreed to contribute a sum of Rs. 85,00,000- (Rupees Eighty-Five Lakhs Only) within one month from (13/06/2022) and deposit the same in the Escrow account as mentioned above.
   b. The respondent/promoter undertakes to contribute another Rs. 75,00,000- (Rupees Seventy Five Lakhs Only) within next 15 days that is within 45 days from 13/06/2022 into the aforesaid Escrow account.
   c. The respondent/promoter has undertaken to do all pending work and complete the same in a war foot measure without any further delay and make the project in livable condition on or before 31/08/2022. The electricity connection will be provided from temporary power connection and the differential power tariff in between domestic and commercial power tariff will be borne by the respondent/promoter. The permanent power connection with separate individual flat meters and RR number will be provided by respondent/promoter on or before September 2022.
   d. The parking facilities as per the sale agreement will be properly marked and allocated to each allottees by the respondent/promoter on or before August 2022
   e. The respondent/promoter will provide club membership and other amenities at the following places at agreed timelines:

ELITE ALLOTTEES WELFARE ASSOCIATION * ND PASSION Bangalore 560 068

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i. Party Hall & pantry facilities

ii. Changing rooms for swimming pool

iii. Toilets

The above amenities will be provided inside the commercial building ground floor (1753 sq ft).

i. Party lawn (adjacent to commercial building 2197 sq ft)

ii. Swimming pool and kids' pool

iii. Children play area /Badminton court /Basketball court

The respondent/promoter will hand over the above amenities on or before September 2022

Club Membership amenities will be provided in C block ground floor & 1st floor measuring (8000 sq ft) :

i. Gym
ii. Steam room
iii. Yoga centre
iv. Library
v. Indoor games
vi. Table Tennis
vii. Snooker
viii. Squash court

The respondent/promoter will hand over the above club related amenities on or before March 2023 plus a grace period of 90 days (June 2023)

f. The respondent/promoter has undertaken to obtain necessary permission from concerned statutory authorities as agreed upon in the sale agreement that he has entered into with the complainant/ allottees within September 2022.

g. The respondent/promoter has agreed to take effective steps against those allottees whether they are members or non-members of this associationto recover the balance consideration,due from them. If necessary, issue notice tosuch allottees giving them 15 days to clear their dues failing which to take steps as per lawto cancel the agreements of such allottees.

h. The Complainants/Allottees who have already obtained registered Sale Deeds in respect of their respective flats

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M.D. DEVELOPERS PVT. LTD.

Managing Director

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have paid amount towards corpus fund and 1 year maintenance at the time of registration expenditure. The complainants who are yet to obtain registered sale deed have agreed to pay 1 year maintenance amount at the time of registration of sale deeds. The respondent/promoter will deposit both corpus fund and maintenance amount in the bank account of ND Passion Elite Allottees Welfare Association (NDPEAWA) on or before September 2022. The landowners have to deposit both corpus fund and maintenance amount proportionate to their share of flats in the NDPEAWA bank account on or before September 2022 failing which the NDPEAWA will take necessary action by disconnecting the power & water supply to their quota/share of flats

i. The respondent/promoter and the allottees have undertaken to supervise the project by meeting once in a fortnight at the project site with prior notice to each other.

j. The respondent/promoter agrees to bear any shortfall that may arise due to any cost escalations over and above the estimated cost for completion of project with all agreed amenities and provide occupancy certificate.

k. The respondent/promoter shall give representation to RERA for renewal of extension of RERA certificate for which the complainants have no objection.

m. The respondent/ promoter shall resolve the disputewith the land owners if any pending and further undertaken that, that will not hamper the project and its delivery as agreed.

n. The promoter shall form Apartments Owners association of N D Passion Elite and handover all the original documents pertaining to the project in due course

o. The respondent/promoter shall apply for Occupancy Certificate (OC) with all necessary statutory approval and supporting documents on or before 31/08/2022 and shall make all bonafide efforts to obtain the OC on or before 31/12/2022 plus a grace period of 3 months (March 2023)

2 Whereas complainants who are members of the home buyers association who have shown keen interest in development of the project have already extended their solid support to the respondent/promoter in the interest of completion of the projectexpeditiously so that promoter can

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deliver possession of the respective flats in their favour at the earliest possible time. The allottees have also entered into Sale Agreement with respect to Flat No. B-704 (1850 sq ft), A-102 (1860 sq ft), D-G03 (1290 Sq ft), C-102 (2340 sq ft) and CG03 (1995 Sq ft) in order to bail out the promoter which were left unsold due to delay in project

IX **The obligations of allottees are as follows:**

a. Complainants who are members of the association shall contribute or pay their balance of sale consideration into the aforesaid ESCROW account in 3 instalments. First instalment has to be paid on or before 30th June, Second instalment shall be paid on or before 15th July and Third and last instalment shall be paid on or before 31st July 2022 failing which the respondent/promoter is at liberty to initiate or take steps for cancellation of agreement of such complainants. The completion of project as agreed by promoter is subject to payment of instalments by the complainant as agreed upon.

b. The promoter shall give representation to RERA seeking extension of RERA registration certificate. The secretary of the association on behalf of the complainants and other members of the association have given no objection to the promoter stating that association has no objection for seeking extension of RERA registration certificate in respect of project N D Passion Elite.

c. The promoter, complainants and their association immediately after obtaining renewal of extension of RERA license certificate shall approach the respective bankers for release of balance loan so as to enable them to remit the balance sale consideration to aforesaid ESCROW account. In such case, bank shall release the amount without any delay.

d. The promoter shall invest his share of contribution as agreed upon and shall complete the project by end of August 2022 inlivable condition and deliver possession of flats to allottees with all amenities as agreed upon in the sale agreement. The Complainants/ Allottees shall not press for Revenue Recovery Certificate, other pending RERA cases and Criminal case in C C No. 11768/2020 pending before 9th ACMM, Bangalore. The promoter failing to perform his part of undertaking on various timelines as mentioned above, such as handing over flats to complainants in livable condition on or before 31/08/2022,

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N.D. DEVELOPERS (P) LTD.

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obtain OC on or before 31/12/2022 (plus 3 months grace period), club membership amenities on or before 31/03/2023 (plus 3 months grace period), the Complainants/ Allottees shall have every right to pursue their Revenue Recovery, seek for judgment in pending cases and also pursue criminal case in C C No. 11768/2020

e. The association would ensure the promoter that all the members of the association would pay balance sale consideration if any payable to the promoter within the time frame as stipulated in clause IX-a.

f. The complainants and their association will have no claim whatsoever against the promoter after the completion of project by the respondent/promoter with all agreed amenities on or before 31/06/2023 for the delay in in giving the possession. They are agreeable to withdraw any case pending before any court by filing appropriate memo if builder honours his commitment to complete the project with all agreed amenities and provide occupancy certificate on or before 31/06/2023.

g. The parties have entered into this Compromise Petition fully aware of the legal implication and either of the parties have put their seal and signature on their free will and volition without any undue influence, force and coercion.

Copy of settlement agreement entered into between the complainant and promoters in Complaint No. 4239/2019 has is kept in all the above 17 complainants.

Advocate for Respondent

Advocate for Complainants

Respondent/Promoter
ND Developers Pvt Ltd

M.K.K.Durani
Managing Director

Date : 21/06/2022
Place : Bangalore

ND Passion Elite Allottees Welfare Association represented, by its Secretary Sandeep Kumar Mahapatra

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ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ 4401 ಪುಟ ಸಂಖ್ಯೆ -14-

ವಿಷಯ Viraj Nayak
ND Passion

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

Complaint Nos: 4248, 4294, 4300, 4324, 4332, 4336, 4362, 4401, 4418, 4462, 4522, 4631, 4651, 4665, 4288, 4992 all of 2019 and 5207/2020 clubbed in complaint No. 4239/2019

21.06.2022

Memo filed for referring the complaint Nos.: 4248, 4294, 4300, 4324, 4332, 4336, 4362, 4401, 4418, 4462, 4522, 4631, 4651, 4665, 4288, 4992 all of 2019 and 5207/2020 clubbed in complaint No. 4239/2019 to the national Lok Adalat

The memo allowed and execution proceedings in complaint Nos.: 4248, 4294, 4300, 4324, 4332, 4336, 4362, 4401, 4418, 4462, 4522, 4631, 4651, 4665, 4288, 4992 all of 2019 and 5207/2020 clubbed in complaint No. 4239/2019 are referred to Lok – Adalat to be held on 25.06.2022.

Adjudicating Officer/Co-ordinator of the Lok – Adalat

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ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ ..... 4401 ಪುಟ ಸಂಖ್ಯೆ ..... -15-

ವಿಷಯ ..... Viraj Nayak
ND Passion

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

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21.06.2022

As per the request of the parties and learned counsel appearing for them, the above cases in connection with execution proceedings are taken-up for settlement, in the National Lok Adalat to be held on 25.06.2022.

The complainant No.2 and the M.D. for the respondent and Advocates for the parties are present, in the pre-Lok-Adalat sitting held today. The execution proceedings in the above matters are settled in terms of the joint settlement memo/compromise petition dated:21.06.2022. The settlement entered between the parties is voluntary and legal one. The settlement is accepted and consequently the execution proceedings in the above cases are ordered to be closed as settled between the parties in terms of above joint settlement memo / compromise petition. The RRC's issued against the respondent in the above cases are ordered to be recalled after recording this compromise in the national Lok Adalat scheduled to be held on 25.06.2022.The office shall intimate the said fact to the concerned DC soon after recording of this compromise in the National Lok Adalat. For drawing up of award the above matters are referred to National Lok-Adalat to be held on 25.06.2022.

21/6/22
Judicial Conciliator.

21/6/22
Advocate Conciliator.

For N.D. DEVELOPERS (P) LTD.

Managing Director

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Bangalore
560 068

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CMP No: 4401

25.06.2022

Before the Lok-Adalat

The above case is taken up before the Lok-Adalat. The joint memo filed by both the parties is hereby accepted. Hence, the matter is settled before the Lok-Adalat as per joint memo. The joint memo filed by the parties shall be part and partial of award/order.

The complaint stands disposed off accordingly.

25/6/22
Judicial Conciliator.

25/6/22
Advocate Conciliator.

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KARNATAKA SATE LEGAL SERVICES AUTHORITY

BEFORE THE LOK ADALAT

IN THE KARNATAKA REAL ESTATE REGULATORY AUTHORITY AT BENGALURU

DATED: 25TH DAY OF JUNE 2022

: CONCILIATORS PRESENT:

Sri: I. F. Bidari ..... Judicial Conciliator

AND

Sri/Smt.: Preethi N ..... Advocate conciliator

COMPLAINT NO: CMP/191005/0004401

Between

1) Viraj Nayak

2) N. D. Passions Elite Allottees Welfare Association ..... Complainant/s
Represented by Allottees Welfare Association Secretary
(By Sri. M.R.S.K Advocate)

AND

1). M/s N D Developers Pvt. Ltd .....Respondent/s

(By Smt. M.S. Advocate)

Award

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the matter, in terms of joint settlement memo dated: 21.06.2022 filed during the pre Lok Adalat sitting on dated: 21.06.2022, same is accepted. The settlement entered between the parties is voluntary and legal one.

The complaint stands disposed off in terms of the joint memo and joint memo is ordered to be treated as part and partial of the award.

25/6/22
Judicial conciliator

25/6/22
Advocate conciliator

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