

KARNATAKA STATE LEGAL SERVICES AUTHORITY
BEFORE THE LOK ADALAT
IN THE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL
BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2022

:CONCILIATORS PRESENT:

HON'BLE SRI JUSTICE B. SREENIVASE GOWDA
AND

SRI SRINIVAS V, CONCILIATOR

APPEAL (K-REAT) NO.86/2020

(OLD RERA APPEAL NO.90/2019)

BETWEEN:

Shriram Sameeksha (a project of),
Shriram Properties Limited,
No. 40/43, 8th Main, 4th Cross,
RMV Extension, Sadashiv Nagar,
Bengaluru – 560 080
Represented by its Authorised Signatory
B S Nagaraj, S/o Late B K Subba Rao,
Age about 71 years

:APPELLANT

(M/s JSM Law Partners, Advocate for Appellant)

AND

1. The Adjudicating Officer,
The Karnataka Real Estate Regulatory Authority,
2nd Floor, Silver Jubilee Block, Unity Building, CSI Compound,
Bengaluru - 560 027
- 2* Sri P S Jambulingam
S/o P Siddaramaiah
Aged about 54 years,
Both R/at No. 407, A Block,
Sri Sai Sumukh Apartments,



1st Main, 6th Cross, Shivu Badavane,
Mariyappana Palya,
Bengaluru – 560 056

3* G C Shankari,
W/o P S Jambulingam,
Major age 50 years,
R/at No. 407, A Block, 1st Main,
6th Cross, Shivu Badavane,
Sri Sai Sumukh Apartments, Mariyappana Palya,
Bengaluru – 560 056

:RESPONDENTS

(R1- RERA served, unrepresented, Sri R A Kulkarni, Advocate for R2 & R3)

*corrected V.C.O. dated 15.07.2021

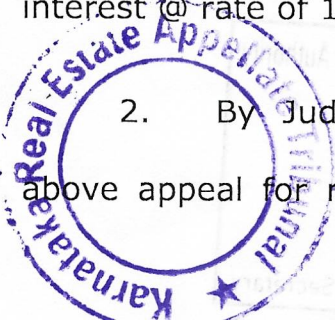
This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, to set aside the order dated 24.05.2019 in Complaint No.CMP/181105/0001611 passed by the Adjudicating Officer, RERA- 1st Respondent before the Interim Tribunal (KAT). On establishment of this Tribunal with effect from 2.01.2020, the appeal was transferred and renumbered as Appeal No.(KREAT) 86/2020.

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

CONCILIATION ORDER

The above appeal is preferred by the promoter, namely, Shriram Sameeksha, challenging the order dated 24.05.2019, passed by the learned Adjudicating Officer in complaint No. CMP/181105/0001611 by which, the appellant was directed to pay a sum of Rs.17,89,315/- with interest at the rate of 9% per annum on the respective amount paid till 30.04.2017 and interest @ rate of 10.5% p.a. till the recovery of entire amount.

2. By Judgment dated 12.04.2021 this Tribunal dismissed the above appeal for non-deposit of statutory amount as contemplated under

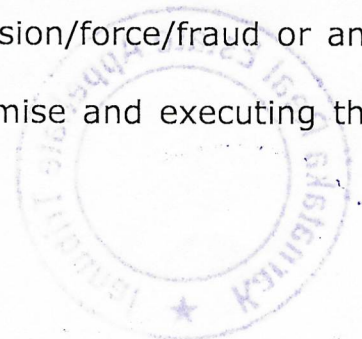


proviso to Section 43(5) of the RERA Act. However, vide separate order passed today in Miscellaneous application No. 21/2022, the Judgment dated 12.04.2021 has been recalled and the appeal is restored to file.

3. Thereafter appeal is taken up for consideration of the joint memo filed by the promoter and the allottee for settlement of their dispute in terms of the joint memo. The Joint Memo signed by Sri. Ramesh J.C, Authorized Signatory of the appellant-promoter, Miss Monika Patil, advocate for promoter, Sri. P.S. Jambulingam (respondent No.2), Smt. G.C. Shankari (respondent No.3) is filed.

4. As per the terms of the joint memo, the total amount payable to the allottees was Rs.27,14,233/-, out of which a sum of Rs.13,94,233/- which was deposited with this Tribunal while filing the appeal and it has already been directly released in favour of the respondents 2 and 3 (allottees) as per the order of this Tribunal date 12.04.2021. The appellant have paid the remaining amount of the Rs.13,20,000/- to the respondents 2 and 3 (allottees) through Demand Draft bearing no.356526 dated 18.06.2022 drawn on RBL Bank, and has been duly acknowledged by the respondents 2 and 3 (allottees).

5. The parties submit that there is no collusion/force/fraud or any undue influence in entering into the instant compromise and executing the Joint Memo.




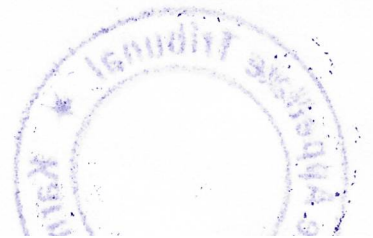
6. Accordingly, the appeal is disposed of in terms of the Joint Memo. The Joint Memo filed by the parties shall be treated as part and parcel of this order.

Sd/-
HON'BLE CHAIRMAN

Sd/-
ADVOCATE - CONCILIATOR

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SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560 027



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BEFORE THE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL,
BENGALURU

Appeal (K-REAT)No. 86/2020

BETWEEN:

Shriram Properties Limited

... Appellant

AND:

1. Karnataka Real Estate Regulatory Authority

2. Sri P.S Jambulingam

3. Smt. G.C Shankari

... Respondents

JOINT MEMO FILED BY THE APPELLANT AND RESPONDENT NOS. 2& 3

The Appellant and Respondent Nos. 2&3 most respectfully submit as follows:

1. The Appellant has filed present appeal challenging the impugned order passed by the 1st Respondent dated May,24, 2019 passed in CMP/181105/0001611 wherein the learned Adjudicating officer has directed the Appellant to refund the booking amount along with Interest for the unit no. 02.07.04 in Appellants project known as "Shriram Sameeksha".
2. 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 total award amount along with Interest on the amount rendered by the Respondent No. 1 towards the unit No. 02.07.04 booked by Respondent No.2&3 in Appellants Project known as Shriram Sameeksha, as ordered by the Adjudicating officer Real Estate Regulatory Authority ,Bangalore which is arrived at a sum of **Rs.27,14,233/- (Rupees Twenty seven lakhs fourteen thousand two hundred and thirty three only)** and the same is detailed in the table below:-

1.	Total amount payable along with Principal and Interest as per the order dated May,24,2019 passed by Adjudicating officer Karnataka Real Estate Regulatory Authority, Bangalore, Karnataka.	Rs 27,14,233/-
2.	Less total amount collected along with interest by Respondent no.2 &3 from RERA and Karnataka Real	Rs 13,94,233 /-

For Shriram Properties Ltd.

[Signature]
P. Shankari

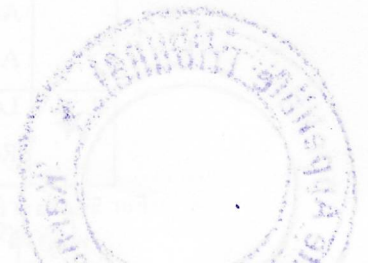
	Estate Appellate Tribunal deposited by the Appellant under section 43(5) of the RERA Act 2016.	
3.	Balance amount remaining to be paid by the Appellant	Rs.13,20,000 /-

- b. The Appellant has paid the remaining balance amount of Rs. 13,20,000 /-(Rupees Thirteen Lakh twenty thousand only) through Demand Draft bearing No '356526' Dated 18.06.2022 drawn in favour of the Respondent No.2 &3 issued by RBL Bank, Malleshwaram branch, Bangalore, Karantaka
- c. The Respondent No.2&3 have hereby handed over all the originals of the documents / Agreements endorsed as cancelled pertaining to the unit no. 02.07.04 in Respondents project known as Shriram Sameeksha. The Respondent Nos. 2 &3 hereby assures that he has not availed any bank/ housing loan by depositing the above said Agreements/ documents with any Financial Institution/Banks
3. That both the Parties have undertaken not to file any other case/proceedings before any court/authority against each other with regards to the subject-matter of the complaint and the instant appeal. Further, both the Parties agree that any other proceedings or actions initiated with regard to the said complaint and the instant appeal stand settled upon the Respondent Nos.2&3 receiving the amount as agreed above.
4. Both the Appellant and the Respondent No.2&3 submits 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 RERA which is the subject matter of this appeal.
5. The Parties 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

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.



[Signature]
 P.C. Shankar



<p>For Shriram Properties Ltd.</p> <p><i>[Signature]</i> Authorized Signatory</p> <p>Appellant</p>	<p><i>[Signature]</i> G.C. Shankari</p> <p>Respondent No.2 &3</p>
<p><i>[Signature]</i></p> <p>Advocate for Appellant</p>	

MONICA PADIL

Place: Bangalore

Dated: 24.06.2022

ADVOCATE FOR APPELLANT

"TRUE COPY"

[Signature]
SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560 027
[Signature] 2/7/22

