

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. 274/2020****Between:**

M/s Shrivision Towers Private Limited,
No.192, 2nd Main, T. Chowdaiah Road,
Sadashivanagar,
Bengaluru – 560080.
Represented by its Authorized Signatory,
Mr. Ramesh. J. C, *
{*substituted as per court order dated 28.03.2022}

:APPELLANT

(By M/s JSM Law Partners, Advocates)

And:

1. Karnataka Real Estate Regulatory Authority,
Second Floor, Silver Jubilee Block,
Unity Building, CSI Compound,
Bengaluru – 560 027,
Represented by its Secretary.
2. Rajib Mishra & Pritipadma Mishra,
C – 103, Definer Kingdom Budigere Road,
Bommenahalli Village,
Near TES Polytechnic College,
Bengaluru – 560 080.

**:RESPONDENTS**

(R.2-RERA served, unrepresented)

(Sri. M. D. Rajkumar, Advocate, for M/s Josita Juris for R-2)

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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 19.08.2019 passed by the learned Adjudicating Officer, RERA, Bengaluru in CMP/190419/0002702.

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

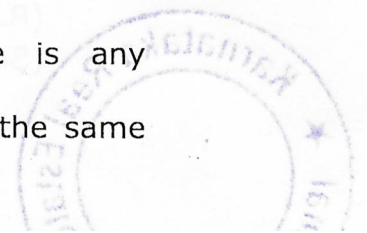
CONCILIATION ORDER

That after due discussions and deliberations, the appellant/promoter and respondent/allottee have got their dispute pertaining to the subject matter of the complaint and the above appeal settled amicably and they requested to dispose of the appeal as settled between the parties.

2. The parties have agreed for release of the amount deposited by the promoter with this Tribunal at the time of filing the appeal in favour of the Appellant-promoter.

3. A Joint Memo signed by the Authorized Signatory of the appellant/promoter and Respondent No.1-allottee and learned counsel for the appellant-promoter & Respondent No. 1-allottee 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 appeal. If there is any claim/dispute pertaining to the complaint and the appeal, the same be closed as settled by either of the parties filing a memo.




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 to the appellant, by issuing a cheque/Banker's cheque/D.D in the name of the appellant company and shall hand over the same to the present Authorized signatory of the appellant who has signed the joint memo, 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**

"TRUE COPY"


**SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560 027**



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**BEFORE THE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL
BENGALURU**

APPEAL NO. (K-REAT) 274/2020

BETWEEN:

Shrivision Towers Pvt Ltd

.... Appellant

AND:

1. Karnataka Real Estate Regulatory Authority

2. Rajib Mishra and Pritipadma Mishra

.... Respondents

JOINT MEMO FILED BY THE APPELLANT AND RESPONDENT NO. 2

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

1. The Appellant has filed present appeal challenging the impugned order passed by the 1st Respondent dated 19/08/2019 in CMP/190419/0002702, wherein the learned Adjudication officer 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 along with their counsels have amicably resolved to settle the matter amongst themselves and thereby resolved to solve the dispute. The signing Parties 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 Parties 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. 2 towards the Appellant Project, as ordered by the Adjudicating officer Real Estate Regulatory Authority, Bangalore which arrived at a sum of **Rs. 3,20,000/- (Rupees Three lakhs twenty thousand only only)**.
 - b. The Appellant has agreed that the aforesaid sum of Rs. 3,20,000/- (Rupees three lakhs twenty thousand only) will be adjusted towards the balance dues payable by the Respondent

For Shrivision Towers Pvt. Ltd.

Authorised Signatory

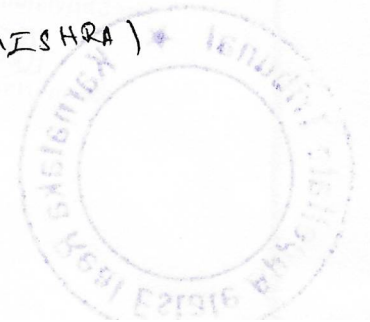
Rajib Mishra
(Pritipadma Mishra)

Rajib Mishra
(RAJIB MISHRA)



FILED IN THE COURT

ON: 28-03-2022



No.2 towards their Apartment no.D-401 in Appellant's project known as Project Shriram Greenfield -1.

- c. The Appellant and Respondent No. 2 agreed to adjust the compensation of Rs 3,20,000/- as detailed in the table below:-

1	Total Delay Compensation agreed between the Appellant and Respondent No. 2	Rs. 3,20,000/-
2	Delay Compensation Amount already collected by Respondent No. 2 from the Hon'ble Tribunal.	Rs. 2,74,453/-
3	Balance delay compensation payable by the Appellant	Rs. 45,547/-
4	Dues payable towards the Apartment from Respondent No. 2 in terms of the Agreement to sell and Construction Agreement both dated 09/08/2016.	Rs. 9,30,014/-
5	Final dues payable after adjusting the balance delay compensation by the Respondent no. 2	Rs. 8,84,467/-

- d. The parties shall go for registration of the aforesaid apartment within 31.03.2022 from the date of signing this joint settlement memo. The actual registration cost towards stamp duty and other government fees shall be borne by the Respondent No. 2, 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 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 Parties 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 has no objections to release the Appeal money deposited under section 43 (5) of the RERA Act 2016 by the Appellant before this Tribunal while preferring this Appeal and thus the Amount may be released in favour of the Appellant.
6. The Parties 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 RERA which is the subject matter of this appeal.

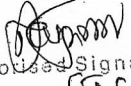

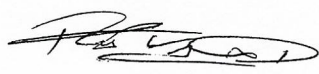


Priti Padma Mishra
(Pritipadma Mishra)

Rajil Mishra
CRATES MISHRA

7. 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
8. That in case the Appellant fails to comply the provision of this Joint settlement Memo, the respondent No. 2 shall have right to invoke all legal remedies in accordance with law and for the same purpose the order passed by the Hon'ble Appellant 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 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.

<p>For Shrivision Towers Pvt. Ltd.</p> <p> Authorized Signatory [G C RAMSAR]</p> <p>Appellant</p>	<p>Pooth Padma Mishra (Poothipadma Mishra)</p> <p>Rajesh Mishra (RAJESH MISHRA)</p> <p>Respondent No. 2</p>
<p></p> <p>Advocate for Appellant</p>	<p></p> <p>Advocate for Respondent no. 2</p>

Place: Bangalore

Dated: 28.03.2022

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SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU - 560 027

