



ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತ ಸಂಖ್ಯೆ Comp.No:0574

ಪುಟ ಸಂಖ್ಯೆ

ವಿಷಯ

Mr. Vignash Karnath & another

Nitesh British Columbia

ಕಂಡಿಕೆ
ಸಂಖ್ಯೆ

CMP-574

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

12.10.2022

As per the request of the complainants and Sri. Harish Kumar MD Authorized person of the respondent, the execution proceedings in the above case is taken-up for amicable settlement, in the National Lok Adalat.

The complainants joined through whatsapp call and Sri. Harish Kumar MD Authorized person of the respondent present, in the Lok-Adalat sitting held on 12.10.2022, the dispute with regard to execution proceedings is settled as per joint memo. The settlement entered between the parties is voluntary and legal one and as per which the complainants have no further claims against the respondent whatsoever in the case. Therefore in view of the submission of the complainants, the execution proceedings in the above case have been closed as settled between the parties in the Lok Adalat in terms of the joint memo. The conciliators to pass award.

For NEL Holdings South Limited

Nitesh Kumar
Authorized Signatory

12/10/22
Judicial Conciliator.

Sujatha H.H.
Advocate Conciliator.

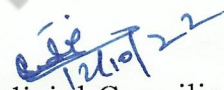
Complaint No. 574

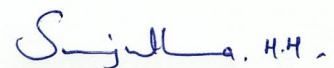
12.10.2022

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 dispute in connection with execution proceedings is settled before the Lok-Adalat as per joint memo. The joint memo filed by the parties shall be part and parcel of award/order.

The execution proceedings in the case stands disposed off accordingly.


Judicial Conciliator.


Advocate Conciliator.

KARNATAKA STATE LEGAL SERVICES AUTHORITY
BEFORE THE LOK ADALAT
IN THE KARNATAKA REAL ESTATE REGULATORY AUTHORITY AT
BENGALURU

DATED: 12TH DAY OF OCTOBER 2022

: CONCILIATORS PRESENT:

Sri: I. F. Bidari

..... Judicial Conciliator

AND

Smt.: Sujatha H H

..... Advocate conciliator

COMPLAINT NO: CMP/180314/0000574

Between

Mr. Vignesh Kamath & another

..... Complainants

AND

M/s. Nitesh Estates Ltd

Presently known as NEL Holdings South Limited.,

.....Respondent

(By: Authorized Person of the Respondent)

Award

The dispute between the parties with regard to execution proceedings in the above case having been referred for determination to the Lok Adalat and the parties having compromised/settled the dispute in connection with execution proceedings in the matter, as per the joint memo filed during the Lok Adalat sitting on dated:12.10.2022, same is accepted. The settlement entered between the parties is voluntary and legal one.

The execution proceedings in the case stands disposed off as per the joint memo and joint memo is ordered to be treated as part and parcel of the award.


Judicial conciliator


Advocate conciliator

CMP/180314/0000574

BETWEEN:

Mr. Vignesh V Kamath,

....Complainant

AND:

NEL Holdings South Private Limited

....Respondent

JOINT MEMO

The Complainant herein had filed the above mentioned Case before the ~~learned~~ ^{Hon'ble RERA Authority} Adjudicating Officer, RERA Karnataka seeking refund of booking amount /advance amount along with interest. The ~~learned~~ ^{Hon'ble RERA Authority} Adjudicating Officer allowed the complaint vide order dated: 13/02/2020.

Subsequently, both Complainant and Respondent discussed between themselves with the spirit of arriving at an amicable resolution. After discussing all the issues and disputes, both parties have arrived at an amicable settlement.

Both parties, have now, vide Memorandum of Settlement dated **1st Oct 2022** resolved and settled all the disputes and issues, and signed the Memorandum of Settlement.

As per the terms of the above mentioned MOS, no claims, differences and/or disputes are pending between the Parties and no further claims or disputes will be raised by either party in connection with the issues arising in the present Case.

The Respondent has paid **Rs 21,59,632/- (Rupees Twenty-One Lakhs Fifty-Nine Thousand Six Hundred & Thirty-Two only)** vide DD No. 048911 dated **19th Sep 2022** drawn on HDFC Bank, Kasturba Gandhi Marg Bengaluru – 560 001 to the Complainant as a full and final settlement towards the execution claim involved in the above mentioned case.

The copy of DD given to the Complainant is enclosed herewith for the kind perusal of this Hon'ble court.

In view of the above mentioned Memorandum of Settlement dated **1st Oct 2022** arrived at between the parties, the Parties to the Complaint request this Hon'ble ^{Authority} ~~Judging Officer~~ to close the Execution Claim pending in the above mentioned complaint as fully satisfied and settled and dispose off the case in the interest of justice.

PLACE: BANGALORE

DATED: 1/10/2022

Signature
COMPLAINANT

For NEL Holdings South Limited

RESPONDENT

Authorised Signatory

Adv for complainant

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

Karnataka Real Estate Regulatory Authority,
1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560027

PROCEEDINGS OF THE AUTHORITY

Dated 13th of February 2020

Complaint No. CMP/130314/0000574

1. **VIGNESH V KAMATH**

2. **SRIDEVI KAMATH w/o VIGNESH V KAMATH**

.....Complainants

Both Residing at No. 56/57,
3rd Floor, 2nd Cross,
Puttenahalli Main Road,
5th Phase, JP Nagar,
Bengaluru - 560078.

AND

NITESH ESTATES LIMITED

.....Respondent

Level 7 Nitesh Timesquare,
No. 8, MG Road,
Bengaluru Urban - 560001.

This complaint has been filed against the project 'Nitesh British Columbia' belonging to the above said promoter. In his complaint dated 14/03/2018 the complainant has alleged as under:-

- (i) That with an intention to book an apartment bearing No. A-0501 in the above subject project, the complainants paid Rs. 3,00,000/- vide cheque dated 31/12/2014. In accordance with payment schedule, they made payment of Rs. 12,39,256/- vide cheque dated 01/02/2015 and further a sum of Rs. 6,20,376/- vide cheque dated 15/07/2016.
- (ii) Thereafter there was a change in the design of the project and the alternation of the measurement. Therefore the

bb 13/2/20

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
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complainant informed the respondent that it intends to withdraw from the project.

- (iii) The respondent is liable to pay. Rs. 21,59,632/- along with interest.

Notices were issued and an enquiry conducted.

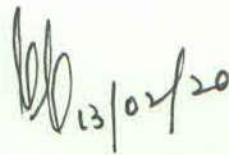
The respondent in his written objection dated 18/07/2017, 08/06/2018 and dated 11/02/2020 has submitted that since there was land disputes the project could not commence and hence no efforts were made to register the project under the provisions of the Real Estate (Regulation and Development) Act, 2016. Further the respondent admits to having received Rs. 21,59,632/- from the complainant. But, states that "there is no kind of agreement between the parties has to be payment of interest or penalty".

Section 18 (1) of the Real Estate (Regulation and Development) Act, 2016 makes it mandatory for the promoter to return the amount along with interest.

In view of the above, following order is passed.

ORDER

The complaint bearing No. CMP/180314/0000574 is hereby allowed under Section 18 read with 31 of the Real Estate (Regulation and Development) Act, 2016.

 13/02/20

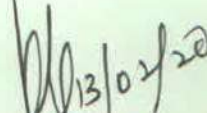
ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

Karnataka Real Estate Regulatory Authority,

1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,
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The respondent is hereby directed to
return the advance amount of Rs.
21,59,632/- along with

- (i) Interest at the rate of 9% per annum from the date of payment till 31/04/2017 and
- (ii) Interest at the rate of 10.75% per annum from 01/05/2017 till the date of refund.


(Adoni Syed Saleem)
Member - 2
KRERA