

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 19<sup>th</sup> of AUGUST 2020

Ref:	CMF/191025/0004564
Complainants	<b>Sri Jagadish Reddy,</b> No.28/3, Sai Shree Apartment, Pent House, E, Anandapura, Harlur Rodad, Bangalore Urban District-560102.
Promoter / Project Name:	<b>RD Buildtech and Developers (Kar) Pvt Ltd.</b> No.16 and 16/1, 1 <sup>st</sup> Floor, Phoenix Towers, Museum Road, Bangalore- 560001.

Complainant by name Sri Jagadish Reddy, Bangalore has filed a complaint against RD Buildtech and Developers (Kar) Pvt Ltd., developer of project by name **"Reliable Dollar Colony Phase 28"** under section 14 of the RERA Act.

Sri. Janardan Reddy, Advocate have filed Vakalath on behalf the complainant and Sri. Umesh.Y. Advocate filed Vakalath on behalf of the Respondent. Notices were issued to both the parties and proceedings conducted. Advocate for Respondent had filed the Statement of Objection, but complainant's advocate had not submitted any details.

**Brief Fact of the Case**

Complainant Sri. Jagadish Reddy, had an intention to form the sites of different dimension in Sy. No.19, measuring 3 acres 37 guntas, including 6 guntas of kharab land, situated in Gattahalli Village, Sarjapur Hobli, Anekal Taluk, Bangalor. The said land owner Sri. T.M. Venkataswamy approached the complainant and apprised the ownership of the land for total sale consideration of Rs. 13,14,87,500/- (Rupees Thirteen Crores Fourteen Lakhs Eight Seven Thousand Five Hundred only). Accordingly execution of the sale agreement, complainant paid Rs. 35,00,000/- (Thirty Five Lakhs) to owner of the Land i.e. Sri. T.M. Venkataswamy. As per the clause-3 of the agreement the period of 180 days has been fixed to complete the sale transaction within which Sri T.M. Venkataswamy is required to supply all the title deeds of the land in favor of complainant. But Sri T.M. Venkatswamy has failed and neglected to furnish the title deed of the land in favor of the complainant. The complainant got issued the legal notice to land owner and filed a suit in the Court of the Senior Civil Judge, Anekal. When this suit is pending thus the land owners sold the property to M/S R.D.Buildtech and Developer (Karnataka) Pvt. Ltd., on 29/6/2018. At present

*W. Murugan*

*Chandana*

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Complainant filed complaint against the M/S R.L. Build tech and Developer (Karnataka) Pvt Ltd under section 14 of the Act with material facts i.e. 1) copy of the application submitted to BDA, copy of the Writ filed in High Court and others.

Advocate for the Respondent file the following Statement of Objection in the above complaint.

1. It is submitted that the complainant has not any claim against the Respondent herein in the project registered with this Hon'ble Authority and alleged claim does not fall within the above complaint.
2. Complainant herein had filed a suit for Permanent injunction on the file of the Hon'ble Civil Judge at Anekal in Os No.477/2016 against one T.N.Venkataswamy in respect of the property bearing Sy. No.19, Gattahalli village, and a Writ Petition No.15040/2019 on the file of the Hon'ble High Court of Karnataka, Bangalore.
3. It is submitted that, during the pendency of the aforesaid suit, in order to settle the dispute in respect of the property bearing Sy No.19, after series of discussions, deliberation and negotiations the Respondent herein had agreed to pay a sum of Rs. 1,55,00,000 (Rupees One Crore Fifty Five Lakhs only) with a condition that, the complainant should withdraw all the disputes pending before any of the forum and as the complainant had disclosed that except the suit pending on the Hon'ble Civil Judge at Anekal, a writ petition before the Hon'ble High Court and a proceeding pending on the file of the Hon'ble Karnataka Appellate Tribunal in Appeal No.1112/2019, there are not any other proceedings. On such assurance of the Complainant herein to withdraw the litigations, the Respondent herein had agreed to pay such a huge amount to the Complainant.
4. It is submitted that on such disclosure of the litigation and to withdraw the said litigations the aforesaid payment was made i.e. on 3.2.2020 A sum of Rs. 25,00,000/- , 17,00,000/- , 7,00,000/- and 1,00,000/- by demand. On 10.2.2020 A sum of Rs. 80,00,000/- by DD drawn on Shakari Bank Niyamitha, and another sum of Rs. 25,00,000/- by way of cheque dated:30.4.2020 drawn on Karnataka Bank, Ashok Nagar Branch. Further submitted that respondent could not do any business during the lock down period and was not able to pay any of its vendors including complainant and was requested the complainant to not to present the cheque dated: 30.4.2020, but intentionally and purposefully

Vishwanathan

Vishwanathan

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the said cheque was presented by the complainant and same got dishonored. Complainant had issued a Legal Notice Dated: 11.5.2020.

5. The suit and Petition filed by the complainant was withdrawn on 11.02.2020 and 14.02.2020 respectively and the proceeding before Hon'ble Karnataka Appellate Tribunal was withdrawn on 12.2.2020.
6. The layout has been developed as per the BDA norms.
7. The present petition is just to harass, humiliate and hold the Respondent for huge ransom, which the Complainant has done in the an earlier proceeding.

On 07/07/2020, the final date for hearing, it was observed that the complainant was supposed to file a written statement within three days, with these observations the case was posted for orders.

When such being the case, the complainant by his memo dated 06/07/2020 received by this Authority on 08/07/2020, that he has entered into a court amicable settlement and has requested this Authority to dismiss the petition as not pressed.

Therefore the following order is passed.

**ORDER**

In view of the Memo dated 06/07/2020 filed by the complainant stating that there is a out of court settlement and that he is not pressing the complaint, the complaint bearing No **CMP/191025/0004564** is hereby dismissed accordingly.

(Adoni Syed Saleem)

Member -2

KRERA

(D. Vishnuvardhana Reddy)

Member-1

KRERA

(M.R. Kamble)

Chairman

KRERA

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