HC-KAR

NC: 2026:KHC:48127-DB
RERA.A No. 14 of 2026

CNR: KAHC010267452026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

RERA APPEAL NO. 14 OF 2026

BETWEEN:

VASWANI ESTATES DEVELOPERS
PRIVATE LIMITED
3RD FLOOR, VASWANI VICTORIA,
30 VICTORIA ROAD,
BENGALURU URBAN-560 047
REPRESENTED BY ITS DIRECTOR
ARUN ADVANI

...APPELLANT

(BY SMT. MANASA M.B ALONG WITH
SRI. G.L. VISHWANATH, ADVOCATE)

AND:

1. MR SANJAY GHOSH
A1403, VASWANI BRENTWOOD,
VIBGYOR SCHOOL ROAD,
THUBRAHALLI,
BENGALURU URBAN - 560066

2. REAL ESTATE REGULATORY AUTHORITY
2ND FLOOR, SILVER JUBLIEE BLOCK,
UNITY BUILDING, CSI
COMPOUND, 3RD CROSS,
MISSION ROAD,

BANGALORE - 560 027.
REPRESENTED BY ITS SECRETARY

…RESPONDENTS

(BY SRI. K.V. GIRISH, ADVOCATE FOR R2,
R1 SERVED)

THIS RERA.APPEAL IS FILED UNDER SECTION 58 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT 2016, PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT DATED.11.02.2026 PASSED BY THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU IN APPEAL NO.(K-REAT) 91/2024 AT ANNEXURE-A, AND CONSEQUENTLY, ALLOW APPEAL NO.(K-REAT) 91/2024 INSTITUTED BY THE APPELLANT BEFORE THE HON'BLE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

This appeal is filed seeking to challenge the judgment dated 11.02.2026 passed in K.REAT No.91/2024, whereby the appeal of the appellant - promoter was dismissed and the order dated 19.03.2024 passed by respondent No.2 - RERA authority in complaint No.CMP/UR/200417/0005832 was confirmed. The registry was also directed to release the entire amount in deposit before the Tribunal including the interest accrued

thereon in favour of the respondent - Sanjay Ghosh after the expiry of the appeal period.

2. The operation of the aforesaid order of the Appellate Tribunal was stayed by this Court.

3. Today, a joint memo has been filed by the parties. On behalf of the appellant, Sri Arun Advani, the Director of the appellant-Company has signed, who, as is evident from Annexure-B to the petition, is authorized by the Board of Directors. The respondent No.1 is present in person and he is the other signatory. The terms of the joint memo read as follows:

> *"1. The present Appeal is filed against the orders of the Appellate Tribunal (K-REAT) which confirmed the order passed by the Adjudicating Offer (original authority).*
>
> *2. During the pendency of the present appeal, the parties have amicably resolved and settled their disputes. Pursuant thereto, the Respondent has agreed to receive from the Appellant a Demand Draft bearing No.588478 for a sum of Rs.4,03,645/-(Rupees Four Lakhs Three*

Thousand Six Hundred and Forty-Five only), towards full and final settlement of all claims, demands and reliefs of whatsoever nature arising out of the subject matter of Complaint No.CMP/UR/200417/0005832.

3. The Respondent further agrees that, upon receipt of the aforesaid amount, he shall have no further claim or demand against the Appellant arising out of or in relation to the subject matter of the aforesaid complaint, the present appeal or the purchase of Apartment Unit A-1403 and shall not initiate or pursue any further proceedings or claim against the Appellant.

4. The Appellant has made a pre-deposit of Rs.8,05,000/- under Section 43(5) of the Act before the Hon'ble Real Estate Appellate Tribunal in K-REAT No. 91/2024. The Appellant is permitted to withdraw this amount.

5. The parties state that the present settlement has been arrived at voluntarily and in the peculiar facts and circumstances of the present case and shall not be construed as an admission of llability by the Appellant or used as a precedent, admission or concession in any other proceedings

or litigation involving the Appellant and any third parties."

4. The signatories are identified and subject to their proof of identification i.e., photocopy of Aadhaar Card, which are enclosed with the joint memo. The Demand Draft for a sum of Rs.4,03,645/- is today handed over to respondent No.1 and he acknowledges receipt of the same. On encashment of the Demand Draft, the respondent No.1 has agreed that he shall have no further claim or demand against the appellant arising out of or in relation to the subject matter of the complaint mentioned in the joint memo, the present appeal or the purchase of apartment unit A-1403 and shall not initiate or pursue any further proceedings or claim against the appellant.

5. As far as further proceedings or claim against the appellant is concerned, there cannot be any lawful restriction on any other proceeding or claim that the respondent No.1 may have against the appellant in matters other than what is the subject dispute.

6. Therefore, the provision providing for non-initiation of other proceedings or claim against the appellant by the respondent No.1 is restricted to the subject dispute.

7. As far as the pre-deposit made before the Real Estate Appellate Tribunal is concerned, the appellant would be at liberty to withdraw the amount as per law.

8. The joint memo is accordingly accepted. The parties shall, subject to what has been observed above, comply with the joint memo.

9. In view of the joint memorandum being accepted and being made part of the order passed today, the appeal is, accordingly ***disposed of***.

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

CR/HKV
List No.: 1 Sl No.: 18