

IN THE KARNATAKA REAL ESTATE APPELLATE TRIBUNAL, BENGALURU

DATED THIS THE 24th DAY OF MARCH, 2021

PRESENT

HON'BLE SRI JUSTICE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI K P DINESH, JUDICIAL MEMBER

AND

HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER

APPEAL (K-REAT) NO. 291/2020

BETWEEN:

1. Mr. Chikkamunireddy,
S/o Late Venkatareddy,
Aged about 63 years.
2. Mr Puroshotham,
S/o Chikkamunireddy,
Aged about 39 years.
3. Master Bhavishk P Reddy,
S/o Puroshotham,
Aged about 8 years (minor in Age)
Represented by his father
Father as natural guardian
4. Mrs Kalpana,
D/o Chikkamunireddy,
Aged about 35 years.
5. Mrs Aruna,
D/o Chikkamunireddy,
Aged about 33 years.
6. Mrs Lakshamma,
W/o Late Munishamireddy,
Aged about 60 years.

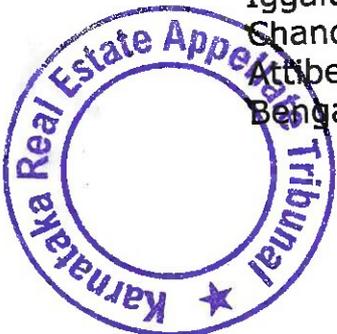


RERA-1121



7. Mr Venugopal,
S/o Late Munishamireddy,
Aged about 41 years.
8. Master Kumar V,
S/o Venugopal,
Aged about 9 years (minor in Age)
Represented by his father as natural guardian
Mr Venugopal
9. Miss Priyanka V
D/o Mr Venugopal
Aged about 12 years (minor in Age)
Represented by her father as natural guardian
Mr Venugopal
10. Mrs Kalavathi,
D/o Late Muniswamyireddy,
Aged about 36 years.
11. Mrs Papamma,
W/o Late Munireddy,
Aged about 63 years.
12. Mrs Kavitha,
D/o Late Munireddy,
Aged about 40 years
13. Mr Anilkumar,
S/o Late Munireddy,
Aged about 34 years
14. Miss Neha
D/o Anilkumar
Aged about 7years (minor in Age)
Represented by her father as natural guardian
Mr Anilkumar

All residing at
Iggaluru Village,
Chandapura All post,
Attibele hobli, Anekal Taluk,
Bengaluru urban District - 560 081



Nos 1 to 6 & 8 to 14 are
Represented by their
Power of Attorney Holder
(i.e., 7th Appellant) namely

Mr. Venugopal
Aged about 41 years,
Son of Late Muniswamy Reddy,
Residing at Iggaluru village,
Attibele Hobli, Anekal Taluk,
Bangalore Urban District - 560 081

:APPELLANTS

(By Sri G T Yathisha for M/s Raj & Raj Associates, Advocate)

AND

1. The Adjudicating officer,
Karnataka Real Estate Regulatory Authority,
2nd Floor, Silver Jubilee Block,
CSI Compound,
Bengaluru - 560 027
2. Mr Ravikumar Madhappan,
Major in Age
Residing at No. 72/1, 2nd Floor,
J J Nivas, 11th Cross, 1st Main,
Pai Layput,
Bangalore - 560 106
3. M/s Sweta and Gita Constructions
India Private Limited
A Company incorporated
Under the provisions of the Companies
Act of 1956

Having its registered office
Site/Sy. No.132, Iggaluru village,
Attibele Hobli, Anekal Taluk,
Bangalore Urban District - 560 081

Represented by its Director
& Authorized signatory



Mr. Anand Marthand Purohit
Aged about 40 years

:RESPONDENTS

(R1- RERA, served-unrepresented)

(Sri M D Alavandar, Advocate for R2)

(Sri Anand Marthand Purohit, Director for R3)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal to set aside the order dated 02nd January, 2019 in CMP/181003/0001353 passed by the Adjudicating Officer, RERA Respondent No. 1.

This appeal coming on for hearing this day, the Chairman, delivered the following:

JUDGMENT

The appellants, who are the owners of the land and who have entered into a Joint Development Agreement with the 3rd respondent/promoter, have preferred this Appeal challenging the impugned order dated 02.01.2019 passed in Complaint No. CMP/181003/0001353 by learned Adjudicating Officer, wherein the learned A.O., allowed the Complaint filed by respondent Nos.1 and 2 and directed the promoter to return the amount of the allottees with interest and further directed the promoter to discharge the loan availed by the allottees for the purpose of acquiring an Apartment.

2. Today, a memo signed by appellant No.7 for himself and for and on behalf of other appellants as their GPA holder and the learned Counsel

appearing for the appellants, is filed, praying permission/liberty of this



○ Tribunal to withdraw the Appeal, with liberty to approach an appropriate Forum for redressal of their grievances.

3. The memo is placed on record.

4. In view of the above, following

ORDER

- (1) Appeal is dismissed as withdrawn.
- (2) It is needless to say that it is always open for the appellants to approach appropriate Forum for redressal of their grievances, if they are entitled to do so under law.
- (3) In view of dismissal of the Appeal as withdrawn, pending IAs., if any, are rejected, as they do not survive for consideration.
- (4) The Office, while issuing a copy of the order, shall also issue the copy of memo for withdrawal filed by the appellants along with the order.
- (5) Registry is hereby directed to comply provisions of Section 44(4) of the RERA Act to return the records of RERA, if received.

Sd/-
HON'BLE CHAIRMAN

Sd/-
HON'BLE JUDICIAL MEMBER

Sd/-
HON'BLE ADMINISTRATIVE MEMBER

TRUE COPY

[Signature]
SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU-560 027



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BEFORE THE KARNATAKA REAL ESTATE APPELLATE
TRIBUNAL AT BENGALURU

APPEAL No. (K-REAT) 291 of 2020

BETWEEN :

Mr.CHIKKAMUNIREDDY & OTHERS. ...APPELLANTS.

AND:

THE ADJUDICATING OFFICER,
KARNATAKA REAL ESTATE REGULATORY
AUTHORITY, BENGALURU
& OTHERS ...RESPONDENTS

**MEMO SEEKING PERMISSION/LIBERTY TO
APPROACH PROPER FORUM FOR REDRESSAL OF
THE APPELLANTS GRIEVANCES AND TO WITHDRAW
THE ABOVE APPEAL**

The Appellants in the above appeal submits that the notice has been served on the Respondent No.2 and 3rd Respondent has personally appeared, and the 2nd Respondent through his counsel has filed his detailed statement of objection/counter to the Memorandum of Appeal filed by the Appellants, for which on perusal of the Statement of Objections of the 2nd Respondent, the Appellants came to know to their knowledge about the order of the 1st Respondent in Case- Complaint No.CMP/181003/0001353 dated 02.01.2019 is against the respondent No.3 only, which the said order of the 1st respondent is not effecting on the Appellants at this juncture.

Wherefore the Appellants pray that this Honble Tribunal permit them to withdraw the above



M. Venkatesh

case by providing an opportunity to them to approach proper forum for redressal of the same in accordance under the law in the ends of justice.

G.T. Yathisha

Place: Bengaluru

Date: 24-03-2021

(G.T.YATHISHA)
For Raj & Raj Associates
Advocate for Appellants.

M. Venkatesh

Appellant No. 7 signed for himself and also on behalf of Appellants No.1 to 6 and also 8 to 14 as their power of Attorney Holders

APPELLANTS

TRUE COPY

J. H. Suresh
SECTION OFFICER
KARNATAKA REAL ESTATE
APPELLATE TRIBUNAL
BENGALURU-560 027

