

**IN THE KARNATAKA REAL ESTATE APPELATE TRIBUNAL,
BENGALURU**

DATED THIS THE 26TH DAY OF AUGUST 2021

PRESENT

HON'BLE SRI 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. 113/2020

(OLD RERA APPEAL No.149/2019)

BETWEEN

SJR Prime Corporation Pvt. Ltd.
No. 1, SJR Primus, 7th Floor,
Koramangala Industrial Layout,
7th Block, Bengaluru-560 095,
Represented by its
Authorised representative
Komala K.Reddy
D/o G.V.K.Reddy,
aged about 40 years,
Office at:No.1, SJR Primus, 7th Floor,
Koramangala Industrial Layout,
7th Block, Bangalore-560095

:APPELLANT

(Rep. by M/s Crest Law Partners, Advocates)

AND:

1. Venkata Sivannarayana Golla,
Aged about 39 years,
S/O Anjaneyulu Golla,
House No.13/8, Ramalayam Street,
Polili, Praskasam District,
Andra Pradesh-523240

2. Real Estate Regulatory Authority,
2nd Floor, Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bangalore-560027,
represented by its Secretary.

:RESPONDENTS

(M/S Keystone Partners, Advocates for R1)
(R2 served, un-represented)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before the Karnataka Real Estate Appellate Tribunal, Bengaluru, to set aside the order dated 30.01.2019 passed in Complaint No.CMP/171202/000292 by respondent No.1-Adjudicating Officer and later transferred to this Tribunal on 01.01.2020 and re-numbered as Appeal (K-REAT) No.113/2020.

This Appeal, coming on for argument this day, the Hon'ble Chairman, delivered the following:

JUDGMENT

The appellant, who is developer of a Real Estate Project known as "BLUE WATERS by SJR Prime Corp Project" has preferred this appeal challenging the impugned order passed by learned Adjudicating officer directing the appellant to pay delay compensation awarded to the R1/allottee.

2. Today, a memo signed by the authorized signatory of the appellant and learned counsel appearing for the appellant is filed praying the Tribunal to dismiss the appeal as withdrawn and direct the Secretary of RERA to refund the amount deposited by the appellant with RERA while preferring this appeal before the Interim Tribunal(KAT) and further direct the registry of this Tribunal to refund the amount deposited by the appellant with this Tribunal subsequent to transfer of the appeal from KAT to this Tribunal.

3. Memo is taken on record.

4. In view of the above the following:-

ORDER

1. Appeal is dismissed as withdrawn for the reasons stated in the memo.
2. Memo is ordered to be treated as part and parcel of this order.
3. The Secretary of RERA is hereby directed to return the amount deposited by the appellant while preferring the above appeal before Interim Tribunal (KAT) in part compliance of proviso to Section.43(5) of the RERA Act, along with interest if any accrued thereon by issuing a cheque or D.D in the name of appellant company and shall hand over the same to the authorized signatory of the appellant who has signed the complaint after following due procedure required for the same.
4. 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 by issuing a cheque or D.D in the name of the appellant company and shall hand over the same to the Authorized signatory of the appellant, who has signed the appeal memo and the vakalath after following due procedure required for the same.
5. In view of dismissal of appeal as withdrawn, pending IA's if any, stand disposed of as they do not survive for consideration.

6. Office while issuing certified copy of today's order, at the instance of any of the parties, shall issue the same along with a copy of memo of withdrawal.
7. Registry is hereby directed to comply with the provision of Section 44(4) of RERA Act and to return the records of RERA, if received.

No order as to costs.

Sd/-

HON'BLE CHAIRMAN

Sd/-

HON'BLE JUDICIAL MEMBER

Sd/-

HON'BLE ADMINISTRATIVE MEMBER