

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

DATED THIS THE 05th DAY OF FEBRUARY 2020

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. 114/2020

(OLD RERA. APL No.150 of 2019)

BETWEEN:

M/s SJR Prime Corporation Pvt. Ltd.
No.1, SJR Primus, 7th Floor,
Koramangala Industrial Layout,
7th Block, Bangalore – 560 095
Represented by its authorized 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 – 560 095

:APPELLANT

(By M/s Crestlaw Partners, Adv)

AND

1. Mr. Shamik Ghosh
Age and father's name not known
B-608, Manar Elegance,
HSR Sector-2
Bangalore – 560 102.

2. Real Estate Regulatory Authority

2nd floor, sliver Jubilee Block ,
Unity Building, CSI Compound,
3rd Cross, Mission Road, Bengaluru-560 027
Represented by its Secretary

:RESPONDENTS

(Mr. Vikas Mahendra, Adv for M/s Keystone Partners for Respondent-1

(Sri M V Prashanth Advocate for Respondent-2)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 before the Karnataka Appellate Tribunal, Bengaluru, to set aside the order dated 25th April 2019 in CMP/180108/0000386 passed by the Adjudicating Officer, RERA Respondent-2. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as Appeal No.(K-REAT) 114/2020.

This appeal coming on for orders this day, the Chairman, made the following:

JUDGMENT

A Memo is filed for withdrawal of the appeal on the ground that the matter has been settled out of Court with a prayer to direct the RERA to refund the amount deposited by the Appellant with the RERA while preferring the appeal before the Karnataka Appellate Tribunal (KAT).

Sri Vikas Mahendra, learned Counsel appearing for 1st Respondent and Sri M V Prashanth, learned Counsel appearing for 2nd Respondent submit that they have no objection for allowing the Memo.

Memo is taken record.

Accordingly, appeal is dismissed as withdrawn for the reasons stated in the Memo. Whatever amount the appellant has deposited with the RERA towards 30% of the compensation amount awarded by RERA while preferring the above appeal before the KAT, is ordered to be refunded by RERA in favour of the appellant.

Office is directed to return the original records.

Sd/-
HON'BLE CHAIRMAN

Sd/-
HON'BLE JUDICIAL MEMBER

Sd/-
HON'BLE ADMINISTRATIVE MEMBER