

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

DATED THIS THE 17th 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. 164/2020

(OLD RERA. APL No. 235 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 for M/s SJR Prime Constructions Pvt. Ltd., Adv)

AND

1. Mr. Manto Thomas
Major,
Father's name not known
Thattla House,
Parappukar P.O., Thrissur,
Kerala – 680 310

2. The Karnataka 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

(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 29th July 2019 in CMP/190224/0002267 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) 164/2020.

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

JUDGMENT

This appeal is listed today for orders on office objections.

At this stage, Sri M V Prashanth, learned Counsel for 2nd Respondent submits that the Appellant has preferred this appeal challenging the order passed by the Adjudicating Officer wherein the learned Adjudicating Officer has rejected the application filed by the appellant under Section 8(1) of the Arbitration and Conciliation Act, 1996 and held that the complaint filed by the complainant-Respondent No.1 herein is maintainable.

Sri M.V.Prashanth, learned counsel for the 2nd Respondent further submits that the matter is already covered by an earlier Judgment of this Hon'ble Tribunal dated 08.01.2020 in APPEAL (K-REAT) NO.126/2020 (OLD RERA APPEAL NO.164 OF 2019) and prays for dismissal of the appeal.

In view of our earlier Judgment dated 08.01.2020 passed in APPEAL (K-REAT) NO.126/2020 (OLD RERA APPEAL NO.164 of 2019) (Parkway Homes LLP Vs. Vishaka Priyadarshini and another) this appeal does not survive for consideration and is, accordingly, dismissed.

No order as to cost.

Sd/-
HON'BLE CHAIRMAN

Sd/-
HON'BLE JUDICIAL MEMBER

Sd/-
HON'BLE ADMINISTRATIVE MEMBER