

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

**DATED THIS THE 21<sup>st</sup> DAY OF AUGUST 2020**

**PRESENT**

**HON'BLE SRI JUSTICE B SREENIVASE GOWDA, CHAIRMAN**

**AND**

**HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER**

**APPEAL (K-REAT) NO. 156/2020**

**(OLD RERA. APL No. 223 of 2019)**

**BETWEEN:**

SJR Prime Corporation Pvt Ltd.,  
No.1, SJR Primus, 7<sup>th</sup> Floor,  
Koramangala Industrial Layout,  
7<sup>th</sup> Block, Bengaluru – 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, 7<sup>th</sup> Floor,  
Koramangala Industrial Layout,  
7<sup>th</sup> Block, Bengaluru – 560 095.

**:APPELLANT**

(By M/s Crest law partners, Adv., absent)

**AND**

1. Ritesh Kumar Jha  
Villa 3, Black Diamond Complex,  
Baramuri- 826 001
2. Pallavi Jha  
Major  
Father's name not known  
Villa 3, Black Diamond Complex,  
Baramuri – 826 001

3. Real Estate Regulatory Authority  
2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building, CSI Compound,  
3<sup>rd</sup> Cross, Mission Road,  
Bengaluru – 560 075  
Represented by its Secretary

**:RESPONDENTS**

(Sri S N Ashwathnarayan, Adv., (RERA) for Respondent)

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 22<sup>nd</sup> July, 2019 in CMP/190223/0002266 passed by the Adjudicating Officer RERA Respondent. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as Appeal No.(K-REAT) 156/2020.

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

#### **JUDGMENT**

The appellant has preferred this appeal before the Interim Tribunal (KAT) on 17.10.2019 challenging the order dated 22.07.2019 in Complaint No.CMP/190223/0002266, passed by the learned Adjudicating Officer, RERA- 3<sup>rd</sup> respondent herein, dismissing the application filed by the appellant under Section 8(1) of the Arbitration and Conciliation Act, 1996. Later, this appeal came to be transferred to this Tribunal on 2.1.2020 and renumbered as Appeal No.(KREAT) 156/2020.

2. There is no representation for the appellant and Respondents 1 and 2.

3. Sri Sudindra S.A for Sri S.N.Ashwathanarayan, learned counsel appearing for RERA-R3 submits that the matter is covered by the Judgment of this Tribunal dated 8.1.2020 passed in Appeal (KREAT) No. 126 of 2020 ( Old RERA Appeal No.164/2019) (PARKWAY HOMES LLP Vs. VHISAKA PRIYADARSHINI AND ANOTHER) against the appellant and prays for dismissal of the above appeal.

4. In the present case, the learned Adjudicating Officer, after hearing the appellant and contesting respondents had rejected the application filed by the appellant under Section 8(1) of the Arbitration and Conciliation Act, 1996 holding that there is no need to refer the matter to arbitration and has further held that he has got jurisdiction to entertain the complaint made by respondents 1 and 2.

5. In view of the above, we are of the view that there is no point in keeping the matter pending and we dismiss the appeal, following our earlier Judgment dated 8.1.2020 passed in Appeal (KREAT) No. 126 of 2020 (Old RERA Appeal No.164/2020)

(PARKWAY HOMES LLP Vs. VHISAKA PRIYADARSHINI AND ANOTHER).

6. In view of dismissal of main appeal, I.As, if any, do not survive for consideration and they are ordered to be closed.

7. There is no order as to costs.

**Sd/-**  
**HON'BLE CHAIRMAN**

**Sd/-**  
**HON'BLE ADMINISTRATIVE MEMBER**

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