

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

DATED THIS THE 27th 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.123/2020

(OLD RERA. APL No.159 of 2019)

BETWEEN:

Sri M Ramu
Aged 53 years
S/o N Muniswamy
Roshan Gardenia Apartment
Flat No.001, Roshan Place Apartment
92/A, 1st Cross, Kathriguppe
BSK 3rd Stage,
Bengaluru 560 0061
Represented by its Proprietor

:APPELLANT

(Appellant party-in-person)

AND

1. The Interim Real Estate Regulatory Authority,
No.1/14, Silver Jubilee Block
Unity Building, CSI Compound
3rd Cross, Mission Road
Bengaluru 560 027.
Represented by its Secretary/Adjudicating Officer
2. Sri Arjun M.S.
S/o Sathyanarayana M.V.
Aged about years

3. Smt Shruthi P.R.
W/o Arjun M.S.
Aged about Years

Both are R/at: No.42, Srinidhi, 1st Floor,
3rd Model House Street, Basavanagudi
Bengaluru 560 004

4. Sri Sathya Narayana M.V.
S/o M.R.Venkataramaiah
R/at No.1st Cross, Udayagiri
Mandya - 570 140

: RESPONDENTS

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

(Respondents 2 to 4 parties-in-person)

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 1st July, 2019 in CMP/190301/0002327 passed by the Adjudicating Officer, RERA Respondent-No.1. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as Appeal No.(K-REAT) 123/2020.

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

JUDGMENT

The appellant developer represented by its Proprietor Sri. M Ramu has filed a memo for withdrawal of the appeal on the ground that appellant and Respondent No.2, 3 and 4 have decided to settle the matter amicably out of court with a prayer to direct RERA to refund the amount of Rs.4,45,508.62 deposited by the appellant with RERA towards 30% of the delay compensation

awarded by RERA while preferring the above appeal before the interim Tribunal (KAT).

2. Along with the memo of withdrawal, a letter and E-mail dated 26.8.2020 addressed to the Tribunal by Respondents 2, 3 and 4 are also enclosed. Wherein, Respondents 2, 3 and 4 have also stated that they have decided to settle the dispute amicably and requested the Tribunal to close the case permanently, so as to enable them to implement the judgment passed by RERA.

3. Both memo for withdrawal filed by the appellant and letter and E-mail dated 26.8.2020 addressed to the Tribunal by Respondents 2, 3 and 4 are taken on record.

4. In view of the above, the appeal is dismissed as withdrawn. The RERA is hereby directed to refund the amount of Rs.4,45,508.62 deposited by the appellant with RERA towards 30% of the delay compensation awarded by RERA while preferring the above appeal before the interim Tribunal (KAT).

Sd/-
HON'BLE CHAIRMAN

Sd/-
HON'BLE ADMINISTRATIVE MEMBER