

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

**DATED THIS THE 13<sup>th</sup> DAY OF OCTOBER 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.112/2020**

**(OLD RERA. APL No. 148 of 2019)**

**BETWEEN:**

M/s SJR Prime Corporation Pvt. Ltd,  
No. 1, SJR Primus, 7<sup>th</sup> floor,  
Koramangala Industrial Layout, 7<sup>th</sup> Block,  
Bangalore-560 095,  
Represented by its authorized representative,  
Komala K. Reddy,  
D/o G.V.K. Reddy,  
Aged about 40 years.

**:APPELLANT**

(By Aditya Venugopalan., Adv for M/s Crest Law Partners)

**AND**

1) Rohit Nigam  
Aged and father's name not known,  
M. 30, Kailash Vihar,  
Panki Road, Kalyanpur, Kanpur,  
Uttar Pradesh-208 017.

2) Real Estate Regulatory Authority,  
2<sup>nd</sup> floor, Silver Jubilee Block,  
Unity Building, CSI Compound,  
3<sup>rd</sup> Cross, Mission Road,  
Bangalore -560 027,  
Represented by its Secretary.

**:RESPONDENTS**

(Sri S.N Ashwathnarayan Adv, for R2)

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 25.04.2019 in CMP/171211/0000317 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)112/2020.

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

**JUDGMENT**

Memo of appearance filed by Learned Counsel Sri S.N Ashwathnarayan to appear on behalf of R2 (RERA) is taken on record. Registry to show his name as learned counsel appearing for R2 wherever it is necessary.

Learned counsel for the appellant, has filed a memo of withdrawal praying the Tribunal to withdraw the appeal as not pressed with a further prayer to direct the RERA to refund the amount deposited by the appellant while preferring the above appeal before the Interim Tribunal (KAT) in compliance of Section 43(5) of the RERA Act. Memo is taken on record.

In view of the appellant withdrawing the appeal as not pressed, notice to R1 is dispensed with.

Learned counsel appearing for R2 (RERA) fairly submits that Respondent No.2 has no objection to allow the memo and grant permission to the appellant to withdraw the appeal and also order for refund of the amount deposited by the appellant while preferring the appeal before the Interim Tribunal (KAT).

In view of the above, the following order is passed:

1) The appeal is dismissed as withdrawn.

2) The RERA is hereby directed to refund the amount deposited by the appellant while preferring the above appeal before the Interim Tribunal (KAT) in compliance of Section 43(5) of the RERA Act as early as possible at any rate within 15 days from the date of receipt of a copy of this order along with interest, if any, accrued thereon.

**Sd/-**

**HON'BLE CHAIRMAN**

**Sd/-**

**HON'BLE JUDICIAL MEMBER**

**Sd/-**

**HON'BLE ADMINISTRATIVE MEMBER**