

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

DATED THIS THE 04th DAY OF DECEMBER 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.155/2020
(OLD RERA. APL No. 220 of 2019)

BETWEEN:

Nikoo Homes I (Tower 1-6 and 10)
Bhartiya City Developers Private Limited,
A Company incorporated under the Companies Act, 1956,
And Having its Registered Office at:-
No.56/7, Nallambakkam Village (Via Vandalur,
Chennai Tamil Nadu – 600 048,
Bengaluru – 560 001,
And Administrative Office at:-
1/5, Palace Road,
Next to Atria Radisson Blue,
Bengaluru – 560 001
Represented by its Authorized Signatory
Mr. Shama Sunder R.J
Email Id: rerabhartiycity@bhartiya.com
Phone Number:080-22534555

:APPELLANT

(By Sri Basant Raj for M/s Anup S Shah Law Firm, Advocate)

AND

1. The Karnataka Real Estate Regulatory Authority,
2nd Floor, Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru-560 027
Represented by its Secretary
2. Mr Divya Catherine Joy
Aged about 35 years
Flat No. 1122, Santaroni,
Sobha City, Hegde Nagar,
Bengaluru – 560 077, Karnataka

:RESPONDENT

(Sri Ravi K G, Advocate, for R1)

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 04th June, 2019 in CMP/181220/0001781 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) 155/2020.

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

JUDGMENT

Sri Basant Raj for M/s Anup S Shah Law Firm, learned counsel appearing for the appellant files a memo of withdrawal with a prayer to direct the office to refund the appellant a sum of Rs.2,27,085/- (Rupees two lakhs twenty seven thousand and eighty five only) deposited by him while preferring the appeal in compliance of proviso to Section 43(5) of the RERA Act.

- 2) Sri Ravi K.G., learned counsel appears for R1-RERA.
- 3) Appeal is dismissed as withdrawn for the reasons stated in the memo of withdrawal.
- 4) Further, RERA is directed to refund the amount deposited by the appellant while preferring this appeal before the Interim Tribunal (KAT) in compliance of proviso to Section 43(5) of the RERA Act along with interest, if any, accrued thereon within four weeks from the date of receipt of a copy of this order.
- 5) Sri Ravi K.G., learned counsel for RERA shall ensure that the amount deposited by the appellant with RERA while preferring this appeal before Interim Tribunal (KAT) is refunded to the appellant within four weeks from the date of receipt of a copy of this order.

**Sd/-
HON'BLE CHAIRMAN**

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

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