

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

DATED THIS THE 18TH DAY OF FEBRUARY, 2021

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. 299/2020

BETWEEN:

Brigade Enterprises Limited
Represented by its Authorized signatory
Viswa Prathap Desu and Sonali SK
Having its registered office at
29th & 30th Floors, 26,
Dr Rajkumar Road,
Trade Center Brigade Gateway,
Malleswaram rajajinagar World,
Bengaluru, Karnataka - 560 055

:APPELLANT

(By Sri Narasimhan S for M/s NSK Attorneys, Advocate)

AND

1. Real Estate Regulatory Authority (RERA), Karnataka
1/14, 2nd Floor, Silver Jubilee Block,
CSI Compound, 3rd cross,
Mission Road Unity Building,
Sampangi Rama Nagar,
Bengaluru, Karnataka 560 027
Represented by its Secretary

2. Vishwanath G Hosatti,
S/o. Girmallappa,
Aged about 42 years,
R/o. Flat No. 842,
'F'Block, Brigade Panorama,
Mysore Road, Kambipura,
Bangalore – 560 060
Email id:vishwanath.hosatti@gmail.com
Phone: 9980532296

:RESPONDENTS

(R1 served, unrepresented)

(Sri Vishwanath G Hosatti for R2- party-in-person)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal to set aside the order dated 21st January, 2020 in CMP/190802/0003774 passed by the Adjudicating Officer, RERA Respondent No. 1.

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

JUDGMENT

Promoter has preferred this Appeal challenging the order passed by learned Adjudicating Officer directing the promoter to pay delay compensation by way of interest.

There is no representation for respondent No.1/RERA.

2. Today, a memo for withdrawal along with a memo for settlement signed by the appellant/promoter and 2nd respondent/allottee are filed. They are taken on record.

3. The Authorised signatory and learned Counsel appearing for the appellant have signed the order sheet of the Appeal for having present in the Court.

4. In view of the above, following order:

- 1) Appeal is dismissed as withdrawn.
- 2) The amount deposited by the appellant with this Tribunal while preferring the Appeal in compliance of proviso to Section 43(5) of the RERA Act is ordered to be refunded to the appellant.
- 3) The Registry is hereby directed to refund the amount along with interest, if any, accrued thereon, however by deducting TDS, within two weeks from the date of furnishing necessary documents such as pan card, etc., by issuing a cheque in the name of appellant/Company and shall hand over the cheque to the Authorised signatory who has signed the Appeal memo and vakalath.

- 4) Pending I.As., if any, stand disposed of, as they do not survive for consideration.
- 5) The Registry is hereby directed to return the records of RERA, if received.

**Sd/-
HON'BLE CHAIRMAN**

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

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

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