

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

**DATED THIS THE 18<sup>TH</sup> DAY OF MARCH, 2021**

**PRESENT**

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

**AND**

**HON'BLE SRI K P DINESH, JUDICIAL MEMBER**

**APPEAL (K-REAT) NO. 249/2020**

**BETWEEN:**

Nikoo Homes I (Tower 1-6 and 10)

Bhartiya Urban Private limited  
Formerly known as 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](mailto:rerabhartiycity@bhartiya.com)  
Phone Number: 080- 22534555

**:APPELLANT**

(By Sri Sanjay Nair for M/s Anup S Shah Law Firm, Advocate)

**AND**

1. The Karnataka Real Estate Regulatory Authority,  
2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building, CSI Compound,  
3<sup>rd</sup> Cross Road, Mission Road,  
Bengaluru-560 027  
Represented by its Secretary

2. Manmohan Nayak,  
Apartment No. 60203, Niko Homes -1,  
Bharatiya City, No. 6/1, 6/2,  
Bengaluru – 560 064  
Karnataka

**:RESPONDENTS**

(R1 served, unrepresented)

(Sri K S Rajesh Gowda, Adv for R2)

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 25<sup>th</sup> September, 2019 in CMP/190205/0002059 passed by the Adjudicating Officer, RERA Respondent No. 1.

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

### **J U D G M E N T**

The appellant, who is a promoter of a Real Estate Project, has preferred this Appeal challenging the order dated 25/09/2019 passed by learned Adjudicating Officer, wherein the promoter was directed to pay delay compensation to the allottee, by way of interest.

2. Today, learned Counsel appearing for the appellant has filed a memo of settlement along with an e-mail, as Annexure-A, addressed by the allottee to the promoter, stating that the matter is fully settled out of Court and in view of the same, Appeal may be dismissed as withdrawn with a prayer to order for refund of 30% of the amount deposited by the appellant with the RERA.

3. In view of the above, following

**ORDER**

- (1) Appeal is dismissed as withdrawn, as per the reasons stated in the memo of settlement.
- (2) The Secretary, RERA, is hereby directed to refund the amount deposited by the appellant with RERA, in his favour, within four weeks from the date of receipt of copy of this order, failing which it will carry interest chargeable by any Nationalised Banks on housing loan.
- (3) In view of disposal of the Appeal as withdrawn, pending I.As., if any, stand disposed of, as they do not survive for consideration.
- (4) The Registry is hereby directed to comply provisions of Section 44(4) of the RERA Act and to return the records of RERA, if received.

**Sd/-  
HON'BLE CHAIRMAN**

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