IN THE KARNATAKA REAL ESTATE APPELATE TRIBUNAL, BENGALURU

DATED THIS THE 24th DAY OF MARCH, 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. 244/2020

BETWEEN:

1. Mr. Chikkamunireddy,
   S/o Late Venkatareddy,
   Aged about 63 years.

2. Mr Puroshotham,
   S/o Chikkamunireddy,
   Aged about 39 years.

3. Master Bhavishk P Reddy,
   S/o Puroshotham,
   Aged about 8 years (minor in Age)
   Represented by his father
   Father as natural guardian

4. Mrs Kalpana,
   D/o Chikkamunireddy,
   Aged about 35 years.

5. Mrs Aruna,
   D/o Chikkamunireddy,
   Aged about 33 years.

6. Mrs Lakshmamma,
   W/o Late Munishamireddy,
   Aged about 60 years.

7. Mr Venugopal,
   S/o Late Munishamireddy,
   Aged about 41 years.

8. Master Kumar V,
   S/o Venugopal,
   Aged about 9 years (minor in Age)
   Represented by his father as natural guardian
   Mr Venugopal

9. Miss Priyanka V
   D/o Mr Venugopal
   Aged about 12 years (minor in Age)
   Represented by her father as natural guardian
   Mr Venugopal

10. Mrs Kalavathi,
    D/o Late Muniswamyireddy,
    Aged about 36 years.

11. Mrs Papamma,
    W/o Late Munireddy,
    Aged about 63 years.

12. Mrs Kavitha,
    D/o Late Munireddy,
    Aged about 40 years

13. Mr Anilkumar,
    S/o Late Munireddy,
    Aged about 34 years

14. Miss Neha
    D/o Anilkumar
    Aged about 7years (minor in Age)
    Represented by her father as natural guardian
    Mr Anilkumar

    All residing at
    Iggaluru Village,
    Chandapura All post,
    Attibele hobli, Anekal Taluk,
    Bengaluru urban District – 560 081

Nos 1 to 6 & 8 to 14 are
Represented by their
Power of Attorney Holder
(i.e., 7th Appellant) namely

Mr. Venugopal
Aged about 41 years,
Son of Late Muniswamy Reddy,
Residing at Iggaluru village,
Attibele Hobli, Anekal Taluk,
Bangalore Urban District – 560 081

:APPELLANTS

(By Sri G T Yathisha for M/s Raj & Raj Associates, Advocate)

AND

1. The Adjudicating officer,
   Karnataka Real Estate Regulatory Authority,
   2nd Floor, Silver Jubilee Block,
   CSI Compound,
   Bengaluru – 560 027
2. Mr Naveen Kumar S,
   Major in Age
   Residing at No. 298,
   Daddy's Garden, Phase –2,
   Kammasandra,
   Bangalore – 560 100.
3. M/s Sweta and Gita Constructions
   India Private Limited
   A Company incorporated
   Under the provisions of the Companies
   Act of 1956

   Having its registered office
   Site/Sy. No.132, Iggaluru village,
   Attibele Hobli, Anekal Taluk,
   Bangalore Urban District – 560 081

   Represented by its Director
   & Authorized signatory

Mr. Sitansu Sekhar Behura
Aged about 43 years **:RESPONDENTS**

(R1- RERA, served-unrepresented)

(R2-served)

(Sri Anand Marthand Purohit, Director for R3)

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 02nd January, 2019 in CMP/180904/0001222 passed by the Adjudicating Officer, RERA Respondent No. 1.

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

JUDGMENT

The appellants, who are the owners of the land and who have entered into a Joint Development Agreement with the 3rd respondent/promoter, have preferred this Appeal challenging the impugned order dated 02.01.2019 passed in Complaint No. CMP/180904/0001222 by learned Adjudicating Officer, wherein the learned A.O., allowed the Complaint filed by respondent Nos.1 and 2 and directed the promoter to return the amount of the allottees with interest and further directed the promoter to discharge the loan availed by the allottees for the purpose of acquiring an Apartment.

2. Today, a memo signed by appellant No.7 for himself and for and on behalf of other appellants as their GPA holder and the learned Counsel appearing for the appellants, is filed, praying permission/liberty of this Tribunal to withdraw the Appeal, with liberty to approach an appropriate Forum for redressal of their grievances.

3. The memo is placed on record.

4. In view of the above, following

ORDER

(1) Appeal is dismissed as withdrawn.

(2) It is needless to say that it is always open for the appellants to approach appropriate Forum for redressal of their grievances, if they are entitled to do so under law.

(3) In view of dismissal of the Appeal as withdrawn, pending IAs., if any, are rejected, as they do not survive for consideration.

(4) The Office, while issuing a copy of the order, shall also issue the copy of memo for withdrawal filed by the appellants along with the order.

(5) Registry is hereby directed to comply provisions of Section 44(4) of the RERA Act to return the records of RERA, if received.

Sd/-
HON'BLE CHAIRMAN

Sd/-
HON'BLE JUDICIAL MEMBER

Sd/-
HON'BLE ADMINISTRATIVE MEMBER