

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

**DATED THIS THE 07<sup>th</sup> DAY OF APRIL, 2021**

**PRESENT**

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

**AND**

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

**APPEAL (K-REAT) NO.354/2020**

**BETWEEN:**

Mr Gurbux Arjan Ajwani  
Aged about 51 years,  
S/o Arjan G Ajwani,  
Permanent residence  
J-224, First Floor, Opp J Block Market,  
Saket, New Delhi – 110 017

Temporarily residing at  
120 Birchwood Trial Drive,  
Maryland Heights, MO 63043 USA

Represented by his power of Attorney Holder  
Sivakumar Bhimavarapu  
Aged about 45 years  
S/o. Pratap Bhimavarapu  
R/at 50, Serene woods, Chikkagubbi Main Road,  
Doddagubbi Post,  
Bengaluru – 560 077

**:APPELLANTS**

(By Sri M Mohan Kumar, 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. M/s Mantri Technology Constellation Pvt Ltd.,  
Currently known as Buoyant Technology Constellations Pvt Ltd.,  
A Company incorporated under the Companies Act, 1956  
And Having Registered Office  
Mantri House 41, Vittal Mallya Road,  
Bengaluru – 560 001, Karnataka  
Represented by its Director

**:RESPONDENTS**

(R1- RERA, served, unrepresented)

(Sri Sunil P Prasad for M/s Tapasya Law chambers, 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 27<sup>th</sup> May, 2019 in CMP/181215/0001760 passed by the Adjudicating Officer, RERA Respondent No.1.

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

### **JUDGMENT**

The appellant, who is an allottee of an Apartment in a Real Estate Project known as "Mantri Manyata Lithos" undertaken by the 2<sup>nd</sup> respondent, having not fully satisfied with the impugned order passed by the learned Adjudicating Officer, directing the 2<sup>nd</sup> respondent/promoter to pay delay compensation to the appellant, has preferred this Appeal, praying to grant the reliefs as sought in the Complaint filed by him before the RERA.

2. Today, the learned Counsel appearing for the appellant has filed a Memo along with two e-mails sent by the appellant to the promoter, which were taken on record praying to dismiss the Appeal as

withdrawn on the ground that the appellant has got the dispute settled with the second appellant out of court.

3. Accordingly and for the reasons stated in the Memo, the following

**ORDER**

- 1) Appeal is dismissed as withdrawn.
- 2) In view of dismissal of the Appeal as withdrawn, pending I.As., if any, stand rejected, as they do not survive for consideration.
- 3) The Registry is hereby directed to comply with the proviso to Section 44(4) of the RERA Act and return the records to RERA, if received.
- 4) No order as to costs.

**Sd/-  
HON'BLE CHAIRMAN**

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