

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

**DATED THIS THE 23<sup>rd</sup> DAY OF JULY, 2021**

**PRESENT**

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

**AND**

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

**AND**

**HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER**

**APPEAL NO. (K-REAT) 311/2020**

**BETWEEN:**

MR. Robin Ghose  
Aged about 41 years  
S/o. Kishore Ghose  
R/at. No. 202, Peace haven Apartments,  
Langford Road, Rcihmond Town  
Bengaluru-560025

**...APPELLANTS**

(Rep. by Sri M Mohan Kumar, Advocates)

1. The Karnataka Real Estate Regulatory Authority,  
2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building, CSI compound,  
3<sup>rd</sup> cross, Mission Road,  
Bengaluru 560027.  
Represented by its Secretary.
2. M/s Mantri Technology Constellation Pvt Ltd.,  
Currently Known as Buoyant Technology Constellation Pvt. Ltd.,  
A Company incorporated under the Companies Act, 1956  
And Having Registered Office  
Mantri House 41, Vittal Mallaya Road  
Bengaluru-560001.  
Karnataka  
Represented by its Director  
Project: Mantri Manyata Lithos

**...RESPONDENTS**

(R1 served, unrepresented)

(M/s Tapasya Law Chambers, Advocate for R2)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal praying to call for the records and set aside the order dated 6<sup>th</sup> June, 2019 passed in Compliant No. CMP/181218/0001776 by respondent No.1-Adjudicating Officer, RERA.

This appeal, coming on for Orders this day, Hon'ble Chairman delivered the following:

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

The appellant, who is an allottee of a flat in a real estate project known as "MANTRI MANYATA LITHOS", constructed by M/s Mantri Technology Constellations Pvt. Ltd.,-Respondent No.2-developer, has preferred this appeal seeking for a direction to the developer to execute sale deed for the apartment bearing No,D-901 and hand over possession by setting off the balance payment amount from the delayed compensation awarded by the learned Adjudicating Officer,RERA-1<sup>st</sup> respondent vide order dated 6<sup>th</sup> June, 2019 in CMP/181218/0001776 and for other directions.

2. The operative portion of the impugned order reads as under:

"The complaint filed by the complainant bearing No. CMP/181218/0001776 is allowed by directing the developer to pay delay compensation @ 10.75% p.a on the amount received from the complainant for purchase of the flat commencing from August 2017 till the developer executes the sale deed after obtaining Occupancy Certificate by providing all the amenities."

3. Today, the learned counsel for the appellant has filed a Memo for Withdrawal, praying the Tribunal to permit the appellant to withdraw the appeal on the ground that the appellant has preferred an application -I.A

under Section 40(2) of the RERA Act before RERA for execution of the impugned order.

4. Memo for withdrawal filed by the appellant is taken on record.

5. In view of the above, we pass the following:

**ORDER**

- i) Appeal is dismissed as withdrawn for the reasons stated in the Memo;
- ii) Memo of withdrawal shall be treated as part and parcel of this order;
- iii) In view of disposal of the appeal in terms of Memo, pending I.As, if any, stand disposed of as they do not survive for consideration;
- iv) Office while issuing certified copy of the order, at the instance of any of the parties, shall issue the same along with copy of the Memo;
- v) Registry is directed to comply with provision of Section 44(4) of the Act and return the records, if any, received to RERA.

No order as to costs.

**Sd/-**

**HON'BLE CHAIRMAN**

**Sd/-**

**HON'BLE JUDICIAL MEMBER**

**Sd/-**

**HON'BLE ADMINISTRATIVE MEMBER**