

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

DATED THIS THE 23rd DAY OF JULY, 2021

PRESENT

HON'BLE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE K P DINESH, JUDICIAL MEMBER

AND

HON'BLE P S SOMASHEKAR, ADMINISTRATIVE MEMBER

APPEAL NO. (K-REAT) 315/2020

BETWEEN:

1. Mr. Sachdeepak Arora
Aged about 64 years
S/o Gurucharan Singh Arora
2. Mrs. Shashikala Arora
W/o Sachdeepak Arora
Aged about 64 years
Both are residing at
No.A/2-403, Purva Atria
RMV 2nd Stage, 1st Block,
Bengaluru-560094.

...APPELLANTS

(Sri M Mohan Kumar, Advocate for Appellant)

AND

1. The Karnataka Real Estate Regulatory Authority,
2nd Floor, Silver Jubilee Block,
Unity Building, CSI compound,
3rd 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 08th July, 2019 passed in CMP/190213/0002123 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 appellants, who are husband and wife and joint allottees 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, have preferred this appeal seeking for a direction to the developer to execute sale deed for the apartment bearing No.B-304 and to hand over possession by setting off the balance payment amount from the delayed compensation awarded by the learned Adjudicating Officer,RERA-1st respondent vide order dated 8th July, 2019 in CMP/190213/0002123 and for other directions.

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

"The complaint filed by the complainant bearing No. CMP/190213/0002123 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 appellants-allottees has filed a Memo praying the Tribunal to permit the appellants to withdraw the appeal as settled out of court.

4. Memo is taken on record.

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

ORDER

- i) Appeal is dismissed as withdrawn as settled out of court;
- ii) Memo for withdrawal filed today 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 to the appeal, 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

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