

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

**DATED THIS THE 8<sup>th</sup> DAY OF DECEMBER, 2021**

**PRESENT**

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

**AND**

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

**APPEAL NO. (K-REAT) 54/2021**

**BETWEEN:**

M/s SJR Prime Corporation Private Limited  
A company incorporated under the provision of  
The Companies Act of 1956  
Having its registered office at  
The Hub, Ground floor,  
Sy No. 8/2, Sarjapur Road, Ambalipura,  
Varthur Hobli, Bengaluru – 560 102.  
Represented by its legal head  
Ms. Komala K. Reddy  
SJR Primus 7<sup>th</sup> floor,  
No.1 Industrial Layout,  
Koramangala 7<sup>th</sup> Block,  
Bengaluru – 560 095.

**...APPELLANT**

( By Smt.Amanda Chakaravarthi, Advocate)

**AND**

1. Karnataka Real Estate Regulatory Authority,  
2<sup>nd</sup> floor, Silver Jubilee Block,  
CSI Building,  
Bengaluru-560 027.  
Represented by its Secretary
2. Mr. Brijesh Kumar Soni,  
Major,  
Residing at # 717, Door No. 201,  
15<sup>th</sup> Main, Sector-3, HSR Layout,  
Bengaluru-560 102

**.... RESPONDENTS**

(R.1-RERA- Served unrepresented  
Appeal against R.2 is dismissed V.C.O dated 25.11.2021)

This Appeal is filed under Section 44 (1) of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal praying to set aside the impugned order dated 12<sup>th</sup> March, 2020 passed by learned Adjudicating Officer in CMP/180103/0000372.

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

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

The Appellant who is a promoter of a real estate project known as 'BLUE WATERS' has preferred the present appeal challenging the impugned order 12<sup>th</sup> March, 2020 passed by learned Adjudicating Officer in CMP/180103/0000372.

**2.** By the impugned order, the learned Adjudicating Officer allowed the complaint filed by the 2<sup>nd</sup> Respondent-allottee and directed the Appellant-Promoter to pay delay compensation with interest @ 2% above the MCLR of SBI as on the date of passing of the impugned order commencing from July 2018 till the possession is delivered to the allottee after obtaining Occupancy Certificate.

**3.** Learned counsel appearing for appellant has filed a memo dated 08.12.2021 along with an affidavit of Smt. Komola K Reddy, Legal Head of the appellant company, praying this Tribunal to dismiss the appeal as withdrawn on the ground that parties have reached an amicable settlement and with a prayer for releasing the amount

deposited by the appellant with the Tribunal in favour of the appellant. The memo is taken on record.

4. In view of the memo filed by the learned counsel for the appellant, we pass the following:

**ORDER**

- i) The appeal is dismissed as withdrawn for the reasons stated in the memo and therefore, the memo is ordered to be treated as part and parcel hereof;
- ii) The registry is directed to return the amount deposited by the appellant-promoter in part compliance of proviso to sub-section (5) of Section-43 of the RERA Act, by issuing a bankers cheque/DD/Cheque in the name of the appellant company and handover the same to the authorized signatory who has signed the vakalath and the appeal memo;
- iii) In view of the dismissal of the appeal, pending interlocutory applications, if any, do not survive for consideration and accordingly they stand disposed off;
- iv) Registry is hereby directed to comply with the provision of Section 44(4) of the Act and to return the record to RERA, if received;

- v) Registry, while issuing certified copy of today's order, at the instance of the parties, shall issue the same along with the copy of the Joint Memo;

No order as to costs.

**Sd/-  
HON'BLE CHAIRMAN**

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

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