

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

DATED THIS THE DAY OF 20th DECEMBER, 2021

PRESENT

HON'BLE JUSTICE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE P S SOMASHEKAR, ADMINISTRATIVE MEMBER

APPEAL (K-REAT) NO. 376/2020

BETWEEN:

Sri. Santosh V Patil,
S/o. Veeranagouda Patil,
Aged about 42 years,
No.A1-906, Elita Promenade,
J.P. Nagar 7th Phase,
Bengaluru-560 078.

.. APPELLANT

(Sri M. Mohan Kumar for M/S. Lawman & Associates, Advocate)

AND

1. The Karnataka Real Estate Regulatory Authority,
2nd Floor, Silver Jubilee Block,
Unity Building, CSI compound,
3rd Cross, Mission Road
Bengaluru-560 027.
Representative by its Secretary
2. M/s Castles Vista Private Limited
Formerly known as
M/s Mantra Castles Private Limited
Having its registered office
No.41, vittal Mallya Road,
Bangalore – 560 001.
3. Subramanian Baaskaran
The Director
M/s Castles Vista Private Limited
No.41, vittal Mallya Road,
Bangalore – 560 001.

4. Bharat Dixit Madhukar
The Director
M/s Castles Vista Private Limited
No.41, vittal Mallya Road,
Bangalore – 560 001.
5. M/s Gokulam Shelters Private Limited
Having its registered office at
Gokulam Complex, 8th Mile,
Doddakallasandra Post,
Vasanthapura Village,
Kanakapura Main Road,
Bangalore – 560 062.
6. Sheshadri Yagaty Nagabhushana,
The Director
M/s Gokulam Shelters Private Limited
Having its registered office at
Gokulam Complex, 8th Mile,
Doddakallasandra Post,
Vasanthapura Village,
Kanakapura Main Road,
Bangalore – 560 062
7. Madhusudan Sivasankar
The Director
M/s Gokulam Shelters Private Limited
Having its registered office at
Gokulam Complex, 8th Mile,
Doddakallasandra Post,
Vasanthapura Village,
Kanakapura Main Road,
Bangalore – 560 062
8. Amit Chhabra,
The Director
M/s Gokulam Shelters Private Limited
Having its registered office at
Gokulam Complex, 8th Mile,
Doddakallasandra Post,
Vasanthapura Village,
Kanakapura Main Road,
Bangalore – 560 062

9. Chandrashekar Srirangapatnam
The Director
M/s Gokulam Shelters Private Limited
Having its registered office at
Gokulam Complex, 8th Mile,
Doddakallasandra Post,
Vasanthapura Village,
Kanakapura Main Road,
Bangalore – 560 062.
10. M/s Iskcon Charities
A registered trust,
Having its registered office at
Gokulam, 8th Mile,
Doddakallasandra,
Kanakapura Main Road,
Bangalore – 560 062
Represented by its
Managing Trustee.
11. M/s India Heritage Trust
(also known as India Heritage Foundation)
A registered Trust, having its registered office at
Gokulam, 8th Mile,
Doddakallasandra,
Kanakapura Road,
Bangalore – 560 062
Represented by its
Managing Trustee.
12. M/s Mantri Developers Private Limited
A company registered under companies Act &
Having its registered office No.41,
Vittal Mallya Road,
Bangalore-560 001
Represented by its Directors

...RESPONDENTS

(1st Respondent-RERA served, Unrepresented)
(Sri. E Suhail Ahmed for R-2 to 12)

This Appeal is filed under Section 44 (1) of the Real Estate (Regulation and Development) Act, 2016, before this Tribunal to set aside the impugned order dated 23.11.2020 passed by the 1st respondent-Karnataka Real Estate Regulatory Authority in Complaint No. CMP/200120/0005220.

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 an allottee of a residential flat in a project known as "**Mantri Serenity**" undertaken to be jointly developed by the Respondents- 2 to 12 has preferred this Appeal challenging the order dated 23.11.2020 passed by the 1st respondent-Karnataka Real Estate Regulatory Authority in Complaint No. CMP/200120/0005220 praying the Authority to take appropriate legal action against the promoters for non-compliance of various sections of RERA Act and Rules and impose penalties under Section 59 to 63 for unfair trade practice etc.

2. When the matter called today, the learned counsel appearing for the appellant submitted that since the association has already filed a complaint for and on behalf of all the allottees and against the promoter of the project seeking similar reliefs, the appellant is not intending to prosecute the present appeal. Accordingly he has filed a memo dated 20.12.2021 praying this Tribunal to dismiss the appeal as withdrawn. The memo reads thus:

"The appellant most humbly submit the he intend to continue with association complaint pending before the RERA

Authority. In view of the same, the appellant most humbly pray for dismissal of appeal as withdrawn in the interest of justice and equity.”

3. Sri. E Suhail Ahmed for M/s Trial Base, learned counsel appearing for respondents 2 to 12 submits that respondents 2 to 12 cannot have any objection for dismissing the appeal as withdrawn.

4. The memo dated 20.12.2021 is placed on record. In view of the memo filed by the counsel for the appellant, we pass the following:

ORDER

- 1) Appeal is dismissed as withdrawn;
- 2) The Registry is hereby directed to comply with Section 44(4) of the RERA Act and return the records of the RERA, if received.

**Sd/-
HON'BLE CHAIRMAN**

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