

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

DATED THIS THE 20th DAY OF JANUARY, 2022

PRESENT

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

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

HON'BLE P S SOMASHEKAR, ADMINISTRATIVE MEMBER

**APPEAL NO. (K-REAT) 117/2020
(RERA Appeal (Old No.) 153/2019)**

BETWEEN:

SJR Prime Corporation Pvt. Ltd,
No.1 SJP Primus, 7th Floor,
Koramangala Industrial Layout,
7th Block, Bangalore – 560 095.
Represented by its Authorized representative
Komala K. Reddy, D/o G.V.K Reddy
Aged about 40 years,
Office at:
No.1, SJR Primus, 7th Floor,
Koramangala Industrial Layout,
7th Block, Bangalore – 560 095.

...APPELLANT

(Rep. by Sri K.S Ponnappa, for M/s Crest Law Partners, Advocate)

AND

1. Sudhakar Palanisamy,
Age and /father's name not known,
10/12, Manager Kalianna Gounder Street,
Kolathu Palayam Pudur, Kodumudi,
Erode, Tamil Nadu – 638 151.
2. Real Estate Regulatory Authority,
2nd floor, Silver Jubilee Block,
Unity Building, CSI compound,
3rd Cross, Mission Road
Bengaluru-560 027.

Represented by its Secretary

...RESPONDENTS

(M/S Keystone Partners, advocate Absent for R.1)

(R-2- RERA served, unrepresented)

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 25.04.2019 passed by the Adjudicating Officer, RERA in complaint No. CMP/171126/0000269. On establishment of this Tribunal with effect from 2.1.2020, the appeal was transferred to this Tribunal and renumbered as APPEAL (K-REAT) No.117/2020.

This appeal, coming on for hearing today, 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 PHASE 1' situated at Parapanna Agrahara Village, Begur Hobli, Bangalore South Taluk, Bangalore has preferred the present appeal challenging the impugned order dated 25th April, 2019 passed by the learned Adjudicating Officer in CMP/171126/0000269.

2. By impugned order, the learned Adjudicating Officer allowed the complaint filed by the 1st Respondent-allottee and directed the Appellant-Promoter to pay delay compensation with interest @ 10.75% p.a on the amount paid by allottee to the developer commencing from July 2017 till the possession is delivered.

3. Today a memo signed by the authorized signatory of the appellant-company and learned counsel appearing for the appellant is filed before the court 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. Along with the Memo, a copy of the sale deed dated 19.01.2022 executed between the Appellant and Respondent No.1 is produced. The memo along with the annexure is taken on record.

4. Learned counsel appearing for appellant fairly submits that amount deposited by the 1st respondent pursuant to the order of this Tribunal dated 18.11.2021 may be ordered to be returned to the 1st respondent.

5. In view of the memo filed by the appellant and the submissions made by the learned counsel for the appellant, the following:

ORDER

- i) The appeal is dismissed as withdrawn for the reasons stated in the memo and the memo is ordered to be treated as part and parcel hereof;
- ii) The Registry is hereby directed to release the amount deposited by the appellant with this Tribunal while preferring the Appeal in compliance of proviso to Section 43(5) of the Act, along with interest, if any, accrued thereon, by issuing either a cheque or DD in the name of the appellant-company and shall hand over the cheque or DD to the Authorized signatory of the appellant-company who has signed the vakalath and appeal memo, on furnishing necessary documents and by following due procedure.

- iii) The Registry is further directed to return the amount deposited by the 1st respondent pursuant to the order of this Tribunal dated 18.11.2021 along with interest, if any, accrued thereon, by issuing either a cheque or DD in the name of the 1st respondent on furnishing necessary documents and by following due procedure.
- iv) In view of the dismissal of the appeal, pending interlocutory applications, if any, do not survive for consideration and accordingly they stand disposed off;
- v) 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;

No order as to costs.

Sd/-
HON'BLE CHAIRMAN

Sd/
HON'BLE JUDICIAL MEMBER

Sd/-
HON'BLE ADMINISTRATIVE MEMBER