

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

DATED THIS THE 19th 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) 260/2020

BETWEEN:

Mr. Oswald Sunil Mendonca
Aged about 40 years
S/o Salvadore Mendonca
R/at No. B306, B Block, 3rd Floor,
Sai Satyam, Divya Unnati Layout,
Babusapalya
Bangalore-560 043.

...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.
Represented by its Secretary
2. M/s. Mantri Developer Pvt. Ltd.,
A Company incorporated under the Companies Act, 1956
And Having Registered Office
Mantri House 41, Vittal Mallya Road
Bengaluru-560 001
Karnataka
Represented by its Director

...RESPONDENTS

(R-1 RERA served, unrepresented)
(Sri Shyam Sundar M.S, Advocate for R2)

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 03rd December, 2019 passed by the Adjudicating Officer, RERA in complaint No. CMP/190222/0002125.

This appeal, coming on for hearing 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 flat bearing No.102 in W Block in the project 'MANTRI WEBCITY' undertaken to be developed by the 2nd Respondent-promoter has preferred the present appeal challenging the impugned order dated 03rd December, 2019 passed by the learned Adjudicating Officer in CMP/190222/0002125 praying the tribunal for relief of possession, compensation etc.

2. By the impugned order, the learned Adjudicating Officer allowed the complaint filed by the Appellant-allottee and directed the 2nd Respondent-Promoter to pay delay compensation with interest @ 9% p.a on the respective amount paid on the respective date commencing from February 2016 till 30.04.2017 and also pay interest on the total amount paid @2% above the MCLR of SBI till the possession is delivered after obtaining the occupancy certificate.

3. Today the learned counsel for the appellant has filed a Memo praying to dismiss the above appeal as withdrawn.

4. Memo is taken on record.

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

ORDER

- i) The appeal is dismissed as withdrawn.
- ii) In view of the dismissal of the appeal, pending interlocutory applications, if any, do not survive for consideration and accordingly they stand disposed off;
- iii) 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**