

**IN THE KARNATAKA REAL ESTATE APPELATE TRIBUNAL,
BENGALURU
DATED THIS THE DAY OF 24th JANUARY, 2022**

**PRESENT
HON'BLE JUSTICE B SREENIVASE GOWDA, CHAIRMAN
AND
HON'BLE K P DINESH, JUDICIAL MEMBER
AND
HON'BLE P S SOMASHEKAR, ADMINISTRATIVE MEMBER**

**APPEAL (K-REAT) NO. 216/2020
(Old Appeal No.287/2019)**

BETWEEN:

SJR Prime Corporation Pvt Ltd.,
No.1 SJR 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

(By M/s Crest Law Partners, Advocates)

AND:

1. Shahul Hamid NKM
Age and father's name not known
3/82, Kandiyar Street,
Chakkarapalli, Ayyampet,
Tamilnadu – 641 211.
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

(R.1 and R-2-RERA served, Unrepresented)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016, before the Interim Tribunal (KAT) to set aside the impugned order dated 20.08.2019 passed by the R-2- RERA in Complaint No. CMP/181128/0001688. On establishment of this Tribunal the appeal is renumbered as Appeal (KREAT) No.216/2020.

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 promoter of a Real Estate project known as "Blue Waters by SJR Prime Corp Project", situated at Parapanna Agrahara, Village Begur Hobli, Bangalore South Taluk, Bangalore has preferred this appeal challenging the order of learned Adjudicating Officer dated 20.08.2019 in Complaint No. CMP/181128/0001688, directing the promoter to pay delay compensation to the 1st respondent-allottee commencing from January 2017 till the possession is delivered at the rate of 2% above the highest marginal cost of lending rate as fixed by the SBI.

2. Respondent No.1 herein, who is an allottee of a flat in the said project, had filed a complaint before RERA alleging that as the promoter has failed to complete the project and deliver possession of the flat in terms of the agreement entered into between promoter and the allottee, the allottee sought for the relief of compensation before RERA. The learned Adjudicating Officer after hearing the parties and considering the material on record directed the developer

to pay delay compensation to the allottee along with interest as stated above.

3. When the matter is called today, the learned counsel appearing for the appellant filed a Memo and submitted that the appellant is no longer desirous of prosecuting this appeal and hence, the appellant may be permitted to withdraw the appeal. In the said Memo, the appellant has further prayed for a direction to RERA and the Registry of this Tribunal to release the amount deposited by the appellant at the time filing the appeal in compliance of proviso to Section 43(5) of the Act, in favour of the appellant.

4. The memo dated 24.01.2022 is placed on record.

5. 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 RERA is hereby directed to return the amount deposited by the appellant before RERA While preferring the Appeal before the interim Tribunal (KAT) in compliance of proviso to Section 43(5) of the Act, on furnishing necessary documents and by following due procedure.
- 3) In view of disposal of this appeal all pending IAs if any, stand disposed off;

- 4) The Registry is hereby directed to comply with Section 44(4) of the RERA Act and return the records of the RERA, if received.

No order as to costs.

**Sd/-
HON'BLE CHAIRMAN**

**Sd/
HON'BLE JUDICIAL MEMBER**

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

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