

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

**DATED THIS THE 14<sup>TH</sup> DAY OF MARCH, 2023**

**PRESENT**

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

**AND**

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

**AND**

**HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER**

**Appeal (K-REAT) NO. 49/2023**

**BETWEEN:**

Smt. H.V. Kalpana Sundari,  
W/o Shri.G.V. Sridhar,  
Aged about 65 years,  
Residing at: No.B2,  
Krishna Apartments, 8<sup>th</sup> Main Road,  
18<sup>th</sup> Cross Road, Malleshwaram,  
Bengalure – 560 055.

**: Appellant**

(By Sri Shashank S, Advocate)

**AND**

1. Karnataka Real Estate Regulatory Authority,  
Represented by its Secretary,  
2<sup>nd</sup> Floor, Silver Jubilee Block,  
Unity Building, CSI Compound,  
3<sup>rd</sup> Cross, Mission Road,  
Bengaluru-560 027.
2. Sri. G. Selva Kumar,  
S/o M.C. Guruswamy,  
Proprietor of M/s. Naga Constructions,  
Office at: No.242/3,  
18<sup>th</sup> Cross Road, 7<sup>th</sup> Main Road,  
Sadashivanagar,  
Bangalore - 560 080.

Since dead Rep. by his LRs,

- a. Smt. G.N. Sarala  
W/o. Late Sri. G. Selvakumar,  
Aged about 51 years
- b. Sri. Arjun Selvakumar,  
S/o. Late Sri. G. Selvakumar,  
Aged about 25 years
- c. Sri. Guru Sharan Selvakumar,  
S/o. Late Sri. G. Selvakumar,  
Aged about 21 years

All R/at: No.342, 7<sup>th</sup> Cross,  
14<sup>th</sup> Main, Sadashivanagar,  
Bengaluru – 56 080.

**: Respondents**

This appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 praying to set aside the order dated 09.02.2023 passed by the RERA Authority-R1 in complaint No.TMP/230201/0002739.

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

### **JUDGMENT**

The appellant has preferred this appeal challenging the order passed by the Authority, rejecting the complaint filed by her and holding that the relief sought by the complainant does not come under the jurisdiction of the Authority.

2. Today, the counsel for the appellant after arguing the matter after some time has filed a memo seeking permission of the Tribunal to dismiss the above appeal as withdrawn. Memo is taken on record.

3. Accordingly, and in view of the submission made by the learned counsel for the appellant, we pass the following:

**ORDER**

- (1) Appeal is dismissed as withdrawn;  
s
- (2) In view of dismissal of the main appeal, all pending I.A.s if any, are rejected as they do not survive for consideration;
- (3) Registry is directed to comply with the provisions of Section 44(4) of the Act and to return the records, if any, to the RERA.

**Sd/-  
HON'BLE CHAIRMAN**

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

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