

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

DATED THIS THE 12th DAY OF FEBRUARY 2020

PRESENT

HON'BLE SRI JUSTICE 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. 127/2020

(OLD RERA. APL No. 167 of 2019)

BETWEEN:

M/s Parkway Homes LLP
No.10, 5A Block, 17th B Main road,
Kormangla, Bengaluru – 560 095
Represented by its Authorised Representative
Komala K Reddy,
D/o G V K Reddy,
Aged about 40 years

:APPELLANT

(By M/s Shetty and Hegde Associates, Adv)

AND

1. Mr. Moloy Biswas
Flat 283, DSR Sunrise Towers,
270, Channasandra MainRoad,
Near MVI Engg. College,
Bengaluru – 560 067

2. The Karnataka Real Estate Regulatory Authority
2nd floor, sliver Jubilee Block ,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru-560 027
Represented by its Secretary

:RESPONDENTS

(Sri M V Prashanth Advocate for Respondent-2)

This Appeal is filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 before the Karnataka Appellate Tribunal, Bengaluru, to set aside the order dated 22nd July 2019 in CMP/190414/0002654 passed by the Adjudicating Officer, RERA Respondent-2. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as Appeal No.(K-REAT) 127/2020.

This appeal coming on for orders this day, the Chairman, made the following:

JUDGMENT

Although this appeal is listed today for orders on office objections, it is taken up for final disposal.

Sri M V Prashanth, learned Counsel for 2nd Respondent submits that the appellant has preferred this appeal challenging the order passed by the Adjudicating Officer wherein the learned Adjudicating Officer has rejected the application filed by the appellant under Section 8(1) of the Arbitration and Conciliation Act, 1996 and held that the complaint filed by the complainant-Respondent No.1 herein is maintainable.

Sri M V Prashanth, learned counsel for the 2nd respondent further submits that the matter is already covered by an earlier Judgment of this Hon'ble Tribunal in APPEAL (K-REAT) NO.126/2020 (OLD RERA APPEAL NO.164 OF 2019) dated 8.1.2020 and prays for dismissal of the appeal.

In view of our earlier Judgment dated 8.1.2020 passed in APPEAL (K-REAT) NO.126/2020 (OLD RERA APPEAL NO.164 of 2019) (Parkway Homes LLP Vs. Vishaka Priyadarshini and another) this appeal does not survive for consideration and is, accordingly, dismissed.

There is no order as to costs.

Sd/-
HON'BLE CHAIRMAN

Sd/-
HON'BLE JUDICIAL MEMBER

Sd/-
HON'BLE ADMINISTRATIVE MEMBER