

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

DATED THIS THE 01ST DAY OF JULY 2020

PRESENT

HON'BLE SRI JUSTICE B SREENIVASE GOWDA, CHAIRMAN

AND

HON'BLE SRI P S SOMASHEKAR, ADMINISTRATIVE MEMBER

**APPEAL (K-REAT) NO. 51/2020
(OLD RERA. APL No.53 of 2019)**

BETWEEN:

Sri Jasbir Kehal

Son of Harjeet Singh

Aged about 39 years

#402, Sahasra Grandeur Apt, 2nd Cross,

Amruthnagar, Near Amruthnagar Police St,

Bengaluru – 560 092

Occupation: Soft ware Engineer

Mail I.D., jasbir.kehal@gmail.com

:APPELLANT

(By M/s Next Gen Legal Services, Advocate)

AND

1. Real Estate Regulatory Authority, Karnataka
2nd Floor, Silver Jubilee Block,
Unity Building, CSI Compound,
3rd Cross, Mission Road,
Bengaluru-560 027
2. M/s Unishire Housing LLP
Unishire Elan
36, Railway Parallel Road,
Nehru Nagar, Kumarapark West,
Bengaluru – 560 020

:RESPONDENTS

(Sri S N Ashwathnarayan, Adv., for R1)

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 28th August, 2018 in CMP/171027/0000168 passed by the Adjudicating Officer, RERA Respondent. This appeal was transferred to this Tribunal on 02.01.2020 and renumbered as Appeal No.(K-REAT) 51/2020.

This appeal coming on for further hearing this day, delivered the following judgment:

JUDGMENT

There is no representation for appellant as well as Respondent No.2.

Memo of appearance filed by Sri S. N. Ashwathnarayan to appear on behalf of RERA-R1 is taken on record.

The appellant being partly aggrieved by the order dated 28.8.2018 passed in case No.CMP/171027/0000168 by RERA, Bangalore, directing the 2nd Respondent/Developer to return Rs.13 lakhs to the appellant which was received by him within 60 days from the date of the order with interest at 10.25% p.a. from 61st day till the date of payment had preferred this appeal before the Interim Tribunal (KAT) on 24.4.2019 praying to direct Respondent No. 2 to

pay Rs. 13,00,000/- to the appellant along with damages and interest from the date of payment till realization.

Since the date of filing of the appeal, till date, appellant has neither furnished the process fee nor appeared before the Tribunal. The order sheet dated 8.1.2020, 28.1.2020, 5.3.2020 and 1.6.2020 would clearly show that the appellant has no interest in prosecuting the appeal.

In view of the above, the appeal is dismissed for non-prosecution.

Registry to communicate this order to the parties.

Sd/-
HON'BLE CHAIRMAN

Sd/-
HON'BLE ADMINISTRATIVE MEMBER